

# **Tuvalu: Pacific Islands Regional Oceanscape Program – Second Phase for Economic Resilience (PROPER) Project**

**P179599**

## **LABOUR MANAGEMENT PROCEDURE**



**Tuvalu Fisheries Department  
as Implementing Agency**

**Prepared for the Government of Tuvalu by the Tuvalu Fisheries Department (TFD) together with the  
Central Project Management Office (CPMO) from the Ministry of Finance (MOF)**

**August 2023**

## Executive Summary

The Government of the Tuvalu has requested support from the World Bank (WB) for the Tuvalu: Pacific Islands Regional Oceanscape Program - Second Phase for Economic Resilience (TV PROPER) Project ('the Project') following successful completion of the WB-funded Tuvalu Pacific Regional Oceanscape Program (TV PROP) Project. The Ministry of Finance (MOF) will serve as the Executing Agency and the Project will be implemented by the Tuvalu Fisheries Department (TFD). The Project is expected to commence in 2023, and to run for a period of 6 years.

The Project is part of a multi-phased approach to regional programs across the Pacific designed to strengthen the shared management of selected Pacific Island oceanic and coastal fisheries, and the critical habitats upon which they depend. The Project Development Objective is to strengthen regional collaboration and national capacity for the management and the sustainable development of the oceanic and coastal fisheries sector in Tuvalu.

Project activities will include support for upgrade of an existing aquaculture facility; construction of a watch tower; coral rehabilitation projects; procurement of equipment and technology (e.g., upgrading communications infrastructure, procuring safety equipment; procuring a fishing research vessel); fisheries surveys and trials; feasibility and other studies; technical advisory (including support for legislative and policy change); and training activities.

This Labour Management Procedure has been prepared to meet the requirements of the WB's Environmental and Social Standard 2 (Labor and Working Conditions), national standards and to ensure that measures are in place to manage risks associated with employment under the project. The document provides information and guidance on the following:

- Project activities
- Number and types of workers required to support the Project
- Labour regulations
- Expected labour-related risks and mitigations
- Policies and procedures for managing labour-related risks
- Process for managing worker grievances
- Implementation responsibilities.

The Project will employ direct government workers (public servants who will be involved in Project implementation), other direct workers (persons contracted to the Project on a full-time and part-time basis), and contracted workers (people employed or engaged through third parties to perform work related to core functions of the project).

The key labour-related risks associated with the project and proposed management strategies for these risks are:

- terms of employment not secured by contractual agreements – to be managed through requiring all project workers to have an employment contract
- workers suffer discrimination and lack of equal opportunity in employment – to be managed by having transparent and documented recruitment processes
- use of child labour – to be prevented by banning anyone under 18 years old from working on the project and having this requirement stipulated in contractor bidding documents
- risks of workplace accidents, or emergencies – to be managed through the preparation and implementation of activity-specific OHS procedures
- Sexual Exploitation and Abuse / Sexual Harassment (SEA/SH), Gender Based Violence (GBV) and Violence Against Children (VAC) to workers and community from Project workforce – to be mitigated by workers requiring to sign a Code of Conduct, being provided with training on the Code of Conduct and having in place a Project Grievance Redress Mechanism (GRM) and Worker GRM for raising and managing issues related to SEA, GBV and VAC.

The implementation of the LMP will primarily be the responsibility of the Project Coordinator from the Project Management Unit (PMU) that has been established within TFD specifically for the Project. An E&S Officer will be staffed under the PMU to support the Project Coordinator. The Tuvalu Ministry of Finance's Central Project Management Office (CPMO) will also assist the PMU team as required. The WB E&S team will provide regular E&S risk management compliance monitoring and support for the project. Contractor(s) will be required to comply with the Project's E&S risk management plans and procedures, including this LMP.

The SEP is one of several instruments developed to manage the E&S aspects of the Project and is supported by an Environmental and Social Management Plan, Labour Management Procedure and an Environmental and Social Commitment Plan.

## Acronyms and Abbreviations

CoC	Code of Conduct
CPMO	Central Project Management Office
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
GBV	Gender-based Violence
GIIP	Good International Industry Practice
JHA	Job Hazard Analysis
LMP	Labour Management Procedure
MOF	Ministry of Finance
NGO	non-government organisation
OHS	occupational health and safety
PMU	Project Management Unit
PPE	personal protective equipment
SEA/SH	Sexual Exploitation and Abuse / Sexual Harassment
SEP	Stakeholder Engagement Plan
SOP	Standard Operating Procedure
TFA	Tuvalu Fisheries Authority
TFD	Tuvalu Fisheries Department
TV PROPER (the Project)	Tuvalu Pacific Islands Regional Oceanscape Program - Second Phase for Economic Resilience
TV PROP	Tuvalu Pacific Islands Regional Oceanscape Program
VAC	Violence Against Children
WB	World Bank

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## 1. Introduction

The Government of Tuvalu has requested support from the World Bank (WB) for the Tuvalu: Pacific Islands Regional Oceanscape Program - Second Phase for Economic Resilience (TV PROPER) ('the Project') following successful completion of the WB-funded Tuvalu Pacific Regional Oceanscape Program (TV PROP).

As part of project financing, the Project is required to comply with the requirements outlined in WB's Environmental and Social Framework (ESF) and ten Environmental and Social Standards (ESSs). This Labour Management Procedure (LMP) has been prepared to meet the requirements of ESS2 (Labor and Working Conditions), to ensure that measures are in place to manage risks associated with employment under the Project and are aligned to national standards.

The LMP is supported by the following TV PROPER Environmental and Social (E&S) instruments:

- Environmental and Social Management Plan (ESMP)
- Stakeholder Engagement Plan (SEP)
- Environmental and Social Commitment Plan (ESCP).

All E&S instruments have been disclosed on the Tuvalu Fisheries Department (TFD) website<sup>1</sup>; and will be workshopped with the Project Management Unit (PMU) and executing and implementing agency staff to ensure full understanding of Project stakeholder engagement requirements and processes.

## 2. Project Description

### 2.1. Overview

The Project is part of multi-phased approach to regional programs across the Pacific designed to strengthen the shared management of selected Pacific Island oceanic and coastal fisheries, and the critical habitats upon which they depend. The specific objective of TV PROPER is to strengthen regional collaboration and national capacity for the management and the sustainable development of the oceanic and coastal fisheries sector in Tuvalu.

The Ministry of Finance (MOF) will serve as the Executing Agency and the Project will be implemented by TFD. The Project is expected to commence in mid 2023 and run a six-year period. The Project comprises four components and these are described in the following sections. Further detail about the Project activities is provided in the ESMP.

Project activities will include support for upgrade of an existing aquaculture facility; construction of a watch tower; implementation of a small scheme to undertake coral rehabilitation projects; procurement of equipment and technology (e.g., upgrading communications infrastructure, procuring safety equipment; procuring a fishing research vessel); fisheries surveys and trials; feasibility and other studies; technical advisory (including support for legislative and policy change); and training activities.

### 2.2. Components

**Component 1** (Strengthening Policy and Institutions) will provide institutional support to the national fisheries program in Tuvalu for better regional, national, and sub-national, as well as cross sectoral, coordination, management, and development of fisheries. This will be achieved through:

- Subcomponent 1.1 Strengthening of TFD into Tuvalu Fisheries Authority (TFA)
- Subcomponent 1.2 Meeting Tuvalu's Flag and Port State Responsibilities
- Subcomponent 1.3 Strengthening seafood health monitoring

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<sup>1</sup> <https://tuvalufisheries.tv>

**Component 2** (Strengthening Regional Collaboration and National Capacity for Oceanic Fisheries) would comprise two subcomponents.

- Sub-component 2.1 Consolidating oceanic fisheries management
- Sub-Component 2.2 Harnessing of oceanic fisheries to regional economy

**Component 3** (Strengthening Regional Collaboration and National Capacity for Coastal Fisheries) would specifically address a selected set of activities that aim to strengthen regional collaboration and national capacity for the management and sustainable development of coastal fisheries. It will comprise of two subcomponents.

- Subcomponent 3.1 Strengthening coastal fisheries, monitoring and management
- Subcomponent 3.2 Developing research and problem-solving capacity

**Component 4** (Project Management) will include technical and operational assistance works, goods, services, workshops, and operational costs to support day-to-day management and implementation of the project, and reimbursing project preparation. This will include procurement, financial management, environmental and social instruments, and preparation of annual work plans and organization of audit reports; coordination between regional and national activities. It will provide institutional support and capacity development for project management, coordination, implementation, and monitoring and evaluation system to report on the project's expected results and systematize the project's lessons learned.

### 3. Overview of Labour Use on the Project

#### 3.1. Types of Project Workers

The scope of application of this LMP depends on the type of employment relationship between the Borrower and the project worker. The term 'project worker' (as defined in ESS2) refers to:

- **Direct workers:** people employed or engaged directly by the Borrower including the project implementing agencies to work specifically in relation to the project. This includes:
  - Direct workers – Government: public servants who will be involved in Project implementation.
  - Direct workers – Other: persons contracted to the Project on a full-time and part-time basis.
- **Contracted workers:** people employed or engaged through third parties to perform work related to core functions of the project, regardless of location.
- **Primary supply workers:** people employed or engaged by the Borrower's primary suppliers.
- **Community workers:** people employed or engaged in providing community labour (e.g., volunteer workers).

Project workers include full- time, part-time, temporary and seasonal workers.

Details of the project workers likely to be involved in the project are provided in the following sections.

#### 3.2. Direct Workers

##### **Direct workers – Government**

These are workers employed by TFD who will be involved in Project implementation. The number of TFD staff involved in Project implementation is not known yet, although could be in the order of 20. They will remain subject to the terms and conditions of their existing TFD employment agreements and be covered by Project measures to address OHS issues, and child and forced labour.

##### **Direct Workers – Other**



These workers are contracted to the Project on a full-time and part-time basis by the Project Management Unit (PMU). These workers will be subject to all the relevant provisions of this LMP. These workers include:

- Staff assigned to the PMU established for the Project.
- Specialist individual consultants appointed to undertake specific Project activities, such as the technical assistance specialists doing reviews of aquaculture facilities, providing advice on legislative change, etc.

The total number of direct workers on the project is likely to be in the order of 10. Most direct workers will be required for the duration of the Project, with consultants to the PMU being engaged on an ad hoc basis as required.

### **3.3. Contracted Workers**

Contracted workers on the Project will include construction workers hired by contractors or subcontractors to complete Project investments relating to physical works (including construction of a watchtower and upgrades to an existing milkfish farm) and running the exploratory fishing vessel to be procured by the project.

These contracted workers will include labourers, trades people, machinery operators, commercial fishers, skippers, etc.

Contracted workers on the Project will also include consultants engaged via a firm (by the PMU using Project funds) to complete feasibility and other studies for the project, such as:

- feasibility and costing study to establish and operate permanent fishery infrastructure
- marketing and post-harvest development

These contracted workers will be employed by consulting firms and include scientists and engineers.

The total number of contracted workers required for the Project is likely to be in the order of 20 to 30. Contracted workers will be required for the duration of the physical works and during the undertaking of studies; however, each worker may only be required for several weeks or months.

### **3.4. Primary Supply Workers**

Where contractors source materials or equipment directly from primary suppliers on an ongoing basis, the workers engaged by such primary suppliers are deemed "primary supply workers". The number and type of primary suppliers will be determined at the project implementation stage. There are unlikely to be any workers who fit the definition of primary supply workers as supplies are likely to be procured on a one-off basis rather than ongoing through the Project duration. Notwithstanding this, in the event that Primary Supply Workers are involved, contingency provision for this worker category is made in this LMP.

Primary supply workers would remain subject to the terms and conditions of their existing employment agreement and be covered by Project measures to address occupational health and safety (OHS) issues, and child and forced labour.

### **3.5. Community Workers**

Community workers on the Project will typically be community members and/or project beneficiaries who are volunteers engaged by TFD to support Project-related research activities and those engaged by the non-government organisation (NGO) managing the coral restoration activities. Volunteers will have their terms and conditions defined in a 'Code of Practice for Volunteer Workers' issued to them by the TFD or NGO.

The community workers have no role in the procurement and management of any contracts.

The timing of use of community workers will cover the duration of the Project. The number of community workers associated with the Project is estimated to be around 20 to 30 and will be confirmed during the implementation phase.

Community workers be covered by Project measures to address OHS issues, and child and forced labour. They will also be subject to a code of conduct.

### 3.6. Summary of Labour Requirements

A summary of the Project labour requirements, including estimated number of workers and duration, is provided in Table 1.

*Table 1: Summary of labour requirements*

Type of project workers	Applicability of LMP	Characteristics of project workers	Timing of labour requirements	Indicative number of workers
Direct workers - government	OHS issues, and child and forced labour only	Existing workers employed by TFA who will be involved in Project implementation.	Duration of project	20
Direct workers – other	Full scope of LMP applies	Staff hired using Project funding (e.g., PMU team, individual specialists directly contracted to the PMU).	Duration of project	10
Contracted workers	Full scope of LMP applies	Contractors or subcontractors hired for physical works (e.g., trades people, machinery operators) and running the exploratory fishing vessel (e.g., commercial fishers, skippers, etc). Consultants/specialists engaged via a firm to complete feasibility and other studies for the project (e.g., scientists, engineers).	Duration of physical works and studies	20 to 30
Primary supply workers	OHS issues, and child and forced labour only	Workers engaged by ongoing suppliers of construction materials and equipment.	Duration of physical works	To be determined during implementation
Community workers	OHS issues, and child and forced labour only	Volunteers engaged by TFD for project-related research activities and those engaged by the NGO running the coral restoration activities.	Duration of physical works and studies	20 to 30

## 4. Overview of Labour Regulation

### 4.1. National Requirements

The labour regulation in Tuvalu is comprehensive and bound by the *Labour and Employment Relations Act 2017*. This Act establishes standards in relation to:

- Written contracts of employment
- Payment of wages
- Minimum wage
- Record keeping
- Days and hours of work
- Recruitment
- Leave entitlements, including maternity leave, adoption leave and paternity leave
- Termination of employment and redundancy
- Forced labour
- Child labour
- Equal employment opportunities
- Occupational health and safety
- Trade unions and employer organisations
- Settlement of disputes.

The Fishing Crew Regulation 2020 provides specific regulation for fishing crews. The regulation provides parameters to ensure that qualified crews have access to regulated fishing crew agencies; and to prescribe working conditions for qualified crew on fishing vessels to which these regulations are applicable (i.e., foreign vessel licensed to operate in Tuvalu waters and Tuvalu vessels). The regulations stipulate that the vessel operator shall provide to the qualified crew employed on a fishing vessel the following:

- A minimum wage of US\$500 per month
- A per tonne bonus for working during transshipment on a purse seine
- Full travel costs from the point of hire to and from the vessel at no cost to the crew
- Full insurance coverage to and from, and on, the vessel
- Provision for health and safety while the crew is on board the vessel throughout the duration of the contract
- Safety equipment and tools
- Proper accommodation, meals and potable water
- Basic needs.

### 4.2. World Bank

The WB's ESS2 (Labor and Working Conditions) requirements cover working conditions and management of worker relationships; protecting the workforce; workers' access to a grievance redress mechanism; and OHS measures. These are described in the following sections.

**Working conditions and management of worker relationships.** This includes requirements that:

- Project workers are provided with clear terms and conditions of employment, consistent with national legal requirements.

- The principles of non-discrimination and equal opportunity are applied to project workers, and vulnerable project workers are protected.
- The rights of workers to form workers organisations, consistent with national law, are respected.

**Protecting the workforce.** This includes:

- Provisions to prevent the employment of children below the age of 14 or the national legal minimum, whichever is higher, and restrictions on the employment of children under 18;
- Prevention of forced labour.
- Requirement for direct and contracted workers to have access to a grievance mechanism. The grievance mechanism for contracted workers must be provided by the direct employer and is separate from the project grievance mechanism.

**OHS requirements.** This must address:

- Identification of potential hazards to project workers, particularly those that may be life-threatening.
- Provision of preventative and protective measures, including modification, substitution or elimination of hazardous conditions or substances.
- Training of project workers and maintenance of training records.
- Documentation and reporting of occupational accidents, diseases and incidents.
- Emergency prevention preparedness and response arrangements to emergencies.
- Remedies for adverse impacts, including occupational injuries, deaths, disabilities and disease.

## 5. Key Project Labour Risks and Mitigation Overview

The key labour-related risks associated with the project are:

- **Terms of employment not secured by contractual agreements.** This risk mainly applies to contractors who will employ project workers as they are likely unfamiliar with the labour and working condition requirements and there is a risk that such requirements will not be met.
- **Workers suffer discrimination and lack of equal opportunity in employment.** Vulnerable and disadvantaged people (e.g., women and persons with disabilities) may be subject to increased risk of exclusion from employment opportunities under the Project. Lack of equal pay for equal work for men and women is also a risk.
- **Use of child labour.** Contractors and suppliers may use children for economic reasons and and/or not verify the ages of potential workers. There is also a risk of child labour being engaged as community workers.
- **Risks of workplace accidents, or emergencies.** The understanding and management of OHS risks at worksites in Tuvalu can be poor and this exacerbates the risks of accidents and exposure to hazardous materials. Direct workers will travel between project sites most likely via boat, and there is a need to ensure that vessels used are equipped with appropriate safety equipment.
- **Sexual Exploitation and Abuse (SEA), Gender Based Violence (GBV) and Violence Against Children (VAC)** to workers and community from Project workforce.

The key labour risks and mitigation for addressing these risks are summarized in Table 2. Details of the policies and procedures (i.e., mitigations) to address these are provided in Section 6.

Table 2: Key labour risks and mitigation summary

Type of project workers	Terms of employment not secured by contractual agreements	Workers suffer discrimination and lack of equal opportunity in employment	Use of child labour	Risks of workplace accidents, or emergencies	Sexual Exploitation, Abuse and Harassment (SEA/SH), Gender Based Violence (GBV) and Violence Against Children (VAC) of workers and community
Direct workers – government Public servants employed by TFD who will be involved in Project implementation, including TFD staff	All TFD workers fall under government internal HR protocols for civil servants which cover: - Employment period, remuneration, tax and insurance payments. - Transparent procurement processes. - Equal opportunity employment.		The IA has confirmed it will not engage any workers younger than 18 years of age on the Project.	OHS measures to be implemented as described in the ESMP. This includes the implementation of existing TFD procedures (where relevant) and the development and implementation of activity-specific OHS procedures where required.	All workers in Tuvalu are bound by the requirements set out in the <i>Labour and Employment Relations Act 2017</i> relating to prohibition of sexual harassment.
Direct workers – other PMU team and individual consultants directly contracted to the PMU.	The terms and conditions for direct workers will be governed by the terms of Standard Consultancy contracts, which provides details on pay and working conditions in line with Tuvalu law and ESS2 requirements.	Recruitment procedures will be documented and filed in accordance with the requirements of this LMP and <i>Labour and Employment Relations Act 2017</i> .			Codes of Conduct (CoC), including SEA/SH are signed by workers (see Annex 1 of this LMP) and all workers receive CoC awareness training prior to undertaking project activities. Project GRM addresses concerns raised concerning GBV, SEA and VAC in regard to the Project. Workers have access to contractor GRM for any workplace, contractual or pay and working condition concerns.
Contracted workers Contractors or subcontractors hired for physical works (e.g., trades people, machinery operators).	Contracts for contracted workers are to include details on pay and working conditions in line with Tuvalu law and ESS2 requirements.	Procurement processes to be transparent and reflect equal opportunity employment and align with the <i>Labour and Employment Relations</i>	Condition of contract for contractors/consulting firms will include ban on engaging any workers younger than 18 years old.	OHS measures to be implemented as described in the ESMP. This includes the development and implementation of activity-specific OHS	

Type of project workers	Terms of employment not secured by contractual agreements	Workers suffer discrimination and lack of equal opportunity in employment	Use of child labour	Risks of workplace accidents, or emergencies	Sexual Exploitation, Abuse and Harassment (SEA/SH), Gender Based Violence (GBV) and Violence Against Children (VAC) of workers and community
Consultants engaged via a firm to complete feasibility and other studies for the project (e.g., scientists, engineers).		<i>Act 2017 and Fishing Crew Regulation 2020 (as applicable)</i>		procedures for each activity.	
Primary supply workers	Outside scope of ESS2	Outside scope of ESS2	In case of construction material suppliers, Contractors shall be required to carry out due diligence to identify if there are significant risks that the suppliers are exploiting child or forced labour or exposing workers to serious safety issues.	If there are serious safety concerns with primary suppliers, they will be excluded, and other suppliers secured.	If there are serious SEA/SH/GBV or VAC concerns with primary suppliers, they will be excluded, and other suppliers secured.
Community workers	Terms of engagement will be set out in the Code of Practice for Volunteer Workers.	Selection of volunteer workers to be undertaken on a transparent basis, with work offered to any person who meets necessary experience pre-requisites.	No person under the age of 18 will be used as a volunteer – to be included in the Code of Practice for Volunteer Workers	Supervision by TFD staff and/or NGO staff and the implementation of existing TFD procedures (where relevant) and the development and implementation of activity-specific OHS procedures where required.  The Code of Practice for Volunteer Workers will	The Code of Practice for Volunteer Workers will include requirements for community workers to sign the Code of Conduct (Annex 1) which includes measures to prevent SEA/SH, GBV, VAC

<b>Type of project workers</b>	<b>Terms of employment not secured by contractual agreements</b>	<b>Workers suffer discrimination and lack of equal opportunity in employment</b>	<b>Use of child labour</b>	<b>Risks of workplace accidents, or emergencies</b>	<b>Sexual Exploitation, Abuse and Harassment (SEA/SH), Gender Based Violence (GBV) and Violence Against Children (VAC) of workers and community</b>
				include requirements for workplace safety	

## 6. Project-related Labour Policies and Procedures

### 6.1. Employment Principles

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

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- Employees will be informed at least two months before their expected release date of the coming termination.
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in a language that is understandable to both parties.
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.

### 6.2. Terms and Conditions of Employment

Terms and conditions of direct workers are determined by their individual contracts. Permanent Project staff will have individual agreements (labour contract or service contract) with fixed wage rates. All the recruiting procedures should be documented and filed in the folders in accordance with the requirements of Tuvalu's labour legislation and the ESS2. Requirements and conditions of overtime and leave entitlements are agreed as part of individual contracts.

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

In particular, at the beginning of employment, workers will be provided with information on the following as appropriate:

- The name and legal domicile of the employer
- The worker's name
- The worker's job title
- The date employment began
- Where the employment is not permanent, the anticipated duration of the contract
- The place of work, or where the work is mobile, the main location
- Housing and accommodation provisions and payment required, if any
- Provisions regarding food and payment required, if any
- Hours of work, rest breaks, leave entitlements, and other related matters



- Rules relating to overtime and overtime compensation
- The levels and rules relating to the calculation of salary, wages, and other benefits, including any rules related to timing of payment and deductions
- The pension and other welfare arrangements if any applicable to the worker
- The length of notice that the worker can expect to give and receive on termination of employment
- The disciplinary procedures that are applicable to the worker, including details of representation available to the worker and any appeals mechanism
- Details of grievance procedures, including the person to whom grievances should be addressed
- Any collective bargaining arrangements that apply to the worker.

### **6.3. Age of Employment**

The Project will not engage any workers younger than 18 years of age on the Project.

All project workers will be asked to produce identification documents such as birth certificates, passports, driver's license or other valid method such as copies of academic certificates, testimony/affidavits from officials of the schools attended, statements from family members and Kaupule authorities.

Copies of the identification documents and documents pertaining to the applicant's age and other supporting materials will be filed by the PMU.

### **6.4. Gender Based Violence, Sexual Exploitation, Abuse, Harassment and Violence against Children**

Under the *Labour and Employment Relations Act 2017*, it is unlawful for any person to sexually harass an employee or prospective employee; and an employer must take all reasonable steps to prevent the sexual harassment of an employee or prospective employee.

Mandatory GBV induction training will be provided all Project workers within 1 month of commencement of employment on the project. This training will include information on identifying and responding to situations involving actual/potential GBV, SEA/SH, and VAC, using a survivor-centered approach and the roles of responsibilities of all parties in relation to dealing with these situations.

All Direct Workers – Other and Contracted workers will be required to sign, a Code of Conduct (CoC) (Annex 1) which outlines acceptable behaviour for the workers and their role, including reference to GBV, SEA/SH.

The Project GRM (which is provided as an annex to the Stakeholder Engagement Plan) includes procedures to deal with complaints related to SEA/SH.

### **6.5. Occupational Health and Safety**

Direct workers will follow TFD's OHS system except where additional task-specific actions are required (as outlined in the ESMP). Contractors are required to prepare and implement OHS procedures to be approved by the PMU prior to commencing works. The scale of OHS procedures are to be aligned with the level of risk of the activity. A summary of the requirements to prepare OHS procedures are included in the ESMP is provided in Table 3.

*Table 3: Summary of the requirements to prepare OHS procedures (source: ESMP)*

Subcomponent	Requirement	Responsibility
<p>1.1d (IT and communications upgrades)</p> <p>2.1c (IT and communications upgrades)</p>	<p>MM9: The contractor(s) undertaking works shall comply with good practice regarding workers' safety, such as OHS section of <a href="#">the IFC EHS Guidelines on Construction and Decommissioning</a>, and implement the following at a minimum:</p> <ul style="list-style-type: none"> <li>• Develop and follow a site-specific occupational health and safety (OHS) procedure that are compliant with the <a href="#">World Bank Environment and Health and Safety Guidelines (EHSGs)</a> and local regulations. OHS procedures must be submitted to the PMU for approval prior to any physical works commencing</li> <li>• Appoint a health and safety officer at site, who will have the authority to issue directives for the purpose of maintaining the health and safety of all personnel authorized to enter and or work on the site</li> <li>• Prepare and implement a simple action plan to cope with risk and emergency (e.g., fire, storm surge, cyclone, COVID-19 outbreak)</li> <li>• Complete different levels of risk assessment, i.e. from whole Job Safety Analysis down to the personal level, to identify any potential hazards, rank the risks, and identify ways to eliminate, control or minimize the hazards</li> <li>• Ensure all personal have the appropriate licences (if required) for their scope of work</li> <li>• Provide project workers with accessible means to raise workplace concerns as outlined in the LMP.</li> </ul>	<p>Contractor to prepare and implement OHS procedures.</p> <p>PMU E&amp;S Officer to review/approve contractor- OHS procedures.</p> <p>PMU E&amp;S Officer to confirm Contractor has appointed dedicated health and safety office.</p>
<p>3.1a (fisheries data collection)</p> <p>3.1b (fisheries data collection)</p> <p>3.2a (field surveys)</p> <p>3.2f (field surveys)</p>	<p>MM13: TORs for studies to include requirements for preparation of SOPs and/or Job Hazard Analyses (JHAs) to cover fieldwork aspects of the scope. TORs and prepared safety documents to be reviewed by the PMU E&amp;S Officer. The SOPs/JHAs should cover the following aspects, as applicable: boat handling; SCUBA diving; snorkelling; fauna interaction; emergency</p>	<p>TFD to prepare TORs as necessary.</p> <p>Consultant to prepare SOPs and/or JHAs.</p> <p>PMU E&amp;S Officer to review TORs and consultant-prepared safety documents.</p>

	preparedness and response. Existing TFA procedures may be used if adequate.	
2.1a (procure patrol vessel) 2.2a (procure exploratory fishing vessel) 3.1c (procure vessel to support operation of watchtower)	MM18: Prepare and implement SOPs for Vessel Use (which includes mitigations for refuelling and safety at sea) and Vessel Maintenance (which includes spill prevention and response; and disposal of hydrocarbon waste).	TFD to prepare TORs for the exploratory fishing vessel that includes standards/requirements for safety and vessel maintenance, including minimum training requirements in line with GIIP. Contractor to prepare SOPs for vessel use and vessel maintenance. PMU E&S Officer to review TORs and contractor-prepared safety and maintenance documents. TFD to prepare SOPs for safety and vessel maintenance, including minimum training requirements in line with GIIP (for vessels to be used by TFD).
3.1c (construction of a watchtower)	C-ESMP of proposed watchtower to be prepared by incoming design engineer and reviewed by PMU, and include OHS risks.	Consultant to prepare C-ESMP.
3.2b (coral rehabilitation)	NGO to include approach to managing OHS risks in proposal document. OHS risks to be included in Code of Practice for Volunteer Workers to be prepared by NGO (and reviewed by PMU)	NGO to prepare Code of Practice for Volunteer Workers.
3.2c (aquaculture facility upgrade)	E&S assessment of proposed changes to the current operation to include construction and operational OHS risks and update/preparation of OHS plans if required.	Consultant to undertake E&S assessment.

Contractors are to conduct training for all workers on the on health and safety matters as required by good industry practice.

All Project workers will receive training during induction, thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file. Training will cover relevant aspects of OHS associated with daily work, including the ability to stop work without retaliation in situations of imminent danger.

Workers are to be provided with appropriate personal protective equipment (PPE) suitable for the tasks they will undertake at no cost to the workers. Workers are to be provided by the Contractor, with potable water supplies, first aid facilities, a toilet and hand washing facilities at works sites.

As noted above, all workers are required to receive awareness raising on, and will be required to sign, a CoC (Annex 1) which outlines acceptable behaviour for the workers and their role. In addition, relevant OHS requirements set out in the ESMP will be required to be inserted into bidding documents as per the processes set out in Section 5.1.3 of the ESMP.

## 6.6. Direct Workers

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

The CoC (Annex 1) sets out a recognition for workers to refuse unsafe work environments without repercussions.

## 7. Worker Grievance Redress Mechanism

### 7.1. Direct Workers

This section describes the Worker’s GRM for ‘Direct Workers – other’, including procedures for dealing with workplace matters involving SEA/SH. The Worker’s GRM does not apply to ‘Direct Workers – Government’ (i.e., for TFD workers) pursuant to paragraph 8 of ESS2. These TFD workers will rely on the grievance resolution systems within the TFD.

The process for lodging and managing labour grievances is provided in **Error! Reference source not found.**

Confidentiality for all grievances will be maintained, and there will be no retaliation against workers for raising a grievance.

*Table 4: Worker’s grievance redress mechanism*

Step	Process
1	<p><b>Lodgement and initial informal process</b></p> <p>Managers and Workers are encouraged to use informal methods of resolving disagreements or disputes.</p> <p>If Workers have a reasonable grievance or complaint regarding their work or the people they work with they should, wherever possible, start by talking it over with their manager. It may be possible to agree a solution informally between the Worker and the manager.</p> <p>If discussions with line managers fail to resolve the issue, it is still possible to pursue an informal approach without triggering a formal procedure. For example, an independent senior Government official could host an informal meeting or discussion.</p> <p>Grievances from new employees about recruitment practices will typically need to be made to the PMU Project Coordinator.</p>
2	<p><b>Formal grievance hearing</b></p> <p>If the matter is serious and/or the worker wishes to raise the matter formally, the Worker should set out the grievance in writing to the PMU Project Coordinator. This submission should be factual and avoid language that is insulting or abusive.</p> <p>The PMU Project Coordinator will then call the Worker and the Worker’s Line Manager (or representative) to a meeting to discuss the Worker’s grievance within a predetermined period of time [nominally 3 weeks] after receiving the complaint.</p> <p>The Worker has the right to be accompanied by a colleague at this meeting on request.</p>

	After the meeting, the PMU Project Coordinator will give the Worker minutes of the meeting signed by both parties and a decision in writing, within a predetermined period of time [nominally 4 weeks].
3	<p><b>Appeal to TFD Director</b></p> <p>If the Worker is not satisfied with the above decision, the worker may appeal the decision to the <u>TFD Director</u>.</p> <p>The <u>TFD Director</u> in relation to the appeal on the Grievance.</p> <p>The <u>TFD Director</u> will then call the Worker to a meeting to discuss the worker’s grievance within a predetermined period of time [nominally 3 weeks] after receiving the complaint.</p> <p>The Worker has the right to be accompanied by a colleague at this meeting on request.</p> <p>After the meeting, the <u>TFD Director</u> will give the Worker minutes of the meeting signed by both parties and a decision in writing, within a predetermined period of time [nominally 4 weeks].</p> <p>The above decision is final within the terms of the grievance mechanism which is deemed to cease at this stage. However, the Worker retains the ability to refer the complaint or grievance to the Secretary (head of the Ministry responsible for labour and employment matters) under Section 92 of the <i>Employment Relations Act 2017</i>.</p>
<b>Important Note</b>	<p><i>Highest priority will be given to grievances concerning workplace GBV, SEA/SH or VAC. The Project will first seek to ensure that the victim is safe and has access to required support services. For these reasons, a referral will be as per the process set out in the SEP.</i></p> <p><i>This process will be reviewed and confirmed during Worker Code of Conduct awareness sessions, including disclosure options to ensure accountability, confidentiality and sensitivity.</i></p>

## 7.2. Contracted Workers

All contracts will be required to include a Worker GRM. The PMU E&S Officer will assess these contracts for alignment with the LMP. The contract Worker GRM will need to provide provisions for maintaining confidentiality for all grievances at all times and providing for no retaliation against workers for raising a grievance.

## 7.3. Notification

During employee induction, ‘Direct Workers – other’ and ‘Contracted Workers’ will be advised that there is a Worker GRM where workers can raise complaints and have them processed. Moreover, the Project Coordinator will provide contact information and provide a location where Contract Workers can log their complaints.

## 8. Roles and Responsibilities

The owner of this LMP is the PMU who will lead its implementation, however, there are many roles that input to the implementation of the activities specified in this LMP.

### 8.1. PMU

The PMU will be responsible for:

- Implementing this LMP
- Ensuring that contractors comply with this LMP
- Monitoring to verify that contractors are meeting labour and OHS obligations toward contracted workers as required by Tuvalu national legislation and ESS2.
- Monitoring contractors/third parties and subcontractors’ implementation of this LMP.

- Monitoring compliance with OHS standards at all workplaces in line with ESS2.
- Ensuring that workplace grievance procedures are operational and that workers are informed of its purpose and how to use it.
- Have a system for regular monitoring and reporting on labour and OHS performance; data collection, monitoring, and analysis of the LMP as part of the Project’s monitoring and evaluation activity.
- Preparing and submitting regularly progress reports on the implementation of the LMP to the WB.

The Central Project Management Office (CPMO) will provide support to the PMU if and when requested.

## **8.2. Contractors/third parties**

Contractors/third parties engaged by the Project to implement project activities will be responsible for the following:

- Complying with the requirements of the Tuvalu national legislation and this LMP.
- Maintain records of recruitment and employment process of contracted workers.
- Clearly communicate job description and employment conditions to contracted workers.
- Provide workers with evidence of all payments made, including benefits and any valid deductions.
- Maintain records regarding labour conditions and workers engaged under the Project, including contracts, hours worked, remuneration and deductions (including overtime).
- Ensure no child or forced labour is involved in the Project.
- Implement the GRM for workers, maintaining records of any worker grievances including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up outstanding.
- Have a system for regular review and reporting on labour, and occupational safety and health performance.
- Submitting reports to the PMU on the implementation of LMP requirements.

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

## Annex 1 Minimum Requirements of a Code of Conduct

Applicability – The Project code of conduct applies to the following workers on the Project:

- Direct workers – other
- Contracted workers
- Community workers (i.e., volunteers)

For the purposes of this Code of Conduct, these workers are collectively referred to as “Project workers”. Project workers are required to sign this Code of Conduct as a condition of employment.

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

The issues to be addressed include:

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

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

The Code of Conduct should be written in plain language, translated to Tuvaluan and other languages where required, and signed by each worker to indicate that they have:

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

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

**Note: Code of Conduct templates are provided in [World Bank Standard Procurement Documents](#)**



