

Appendix 5: Labor Management Procedures

KINGDOM OF CAMBODIA

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MINISTRY OF RURAL DEVELOPMENT

Cambodia Southeast Asia Disaster Risk Management project 2 (P177185)



LABOR MANAGEMENT PROCEDURES

Last update: 11 January 2022

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Abbreviations

COVID-19	Corona Virus Infection Disease 19
KH-SEADRM 2	Second Cambodia Southeast Asia Disaster Risk Management Project
DDIS	Detail Design Implementation and Supervision
ESF	Environmental and Social Framework
ESS	Environmental and Social Standard
GDR	General Department of Resettlement
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
LMP	Labor Management Procedures
MEF	Ministry of Economy and Finance
MRD	Ministry of Rural Development
NGO	Non-Governmental Organization
OHS	Occupational Health and Safety
PDRD	Provincial Department of Rural Development
SEA	Sexual Exploitation and Abuse
SEO	Social and Environmental Office
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
STD	Sexually Transmitted Disease
VAC	Violence Against Children
WB	World Bank

Executive Summary

1. THE PURPOSE OF LABOR MANAGEMENT PROCEDURES

The purpose of the LMP is to identify the types of labor that are potentially involved in project implementation, such as directed workers, contracted workers, primary supply workers. Based on the identified types of labor, and scope and nature of these labors are to undertake, risks and potential impacts associated with the project labor are identified and assessed, and mitigation measures are proposed. As part of mitigation measure, LMP will describe a grievance redress procedure that were designed based on the project context to enable aggrieved persons to conveniently raise their complaints and have those complaints or concerns resolved by those who are designated by the project to solve such grievance. The LMP is a living document and may be updated where needed during project implementation. The LMP is applicable to all project workers, irrespective of type of contracts such as full-time, part-time, temporary or casual.

2. OVERVIEW ON LABOR USE UNDER THE PROJECT

The World Bank's ESS2 (Labor and Working Condition) classifies project workers into four categories, including direct workers, contracted workers, community workers and workers of primary suppliers. In this project, direct workers, contracted workers, and primary supply workers are applied. It is estimated that approximately 2,694 workers are likely to be engaged for project implementation, of which about 80% are contracted workers including construction contractors, construction supervision consultant, detailed design consultant, etc. Table 1 (Section 2) summarizes estimated number of workers (per category) expected to be involved in this project, as well as their characteristics, likely duration of labor requirements, workers per unit/sub-project.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Project activities

The project has four Project Components, of which two Components are related to physical construction: Component 2 (Resilient Rural Transport Infrastructure Reconstruction and Maintenance) which involves reconstruction of damaged roads and bridges, and Component 4 which provides emergency response (including reconstruction activities as needed) in an event of an Eligible Crisis or Emergency happen during project implementation.

Project Components 1 and 3 are not related to physical construction and focus on capacity building activities, day-to-day coordination, management and implementation of the project. The consultants engaged under Component 1 and 3 will be subject to all OHS requirements set forth in this LMP.

Key Labor Risks

The anticipated hazards and risks for this project are categorized into the following types: a) Occupational Health and Safety (OHS), b) Labor Influx, c) Sexual Exploitation and Abuse, Sexual Harassment, and Violence Against Children, d) Child labor, e) Forced Labor, f) Discrimination and Exclusion of Disadvantaged/ Vulnerable groups, and g) Temporary Workers. Section 3.2 describes the nature of each type of hazards. Table 2 elaborates further on the Occupational Health and Safety Hazards and Risks.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The Labor Law (1997) is the regulatory framework with regards to labor and working condition in Cambodia. The Labor Law provides regulation against discrimination, promote fair treatment and equal opportunity in employment and wages, and provides protection and assistance to vulnerable workers. The Labor Law is dedicated to promoting health and safety in the workplace and applicable to anyone who are engaged through working contract.

This Section also summarizes key issues of the 1997 Labor Law, covering basic wage, payment arrangement and deductions, hours of work, overtime work, rest per week, and leaves (such as annual leave, sick leave, maternity, and other personal/family leave),

5. BRIEF OVERVIEW OF OCCUPATION HEALTH & SAFETY LEGISLATION

Section 5 outlines the provisions related to Occupational Health & Safety specified in the Labor Law (1997). These provisions are consistent mostly with the WB's ESS2. The OHS provisions in the Labor Law aim to ensure that employees work in safe and healthy environment by setting and enforcing standards and regulations, as well as specifying the rights and responsibilities of employers, employees and other relevant parties as to exercising OHS principles and taking measures to prevent occupational accidents, diseases and ensure work safety.

6. RESPONSIBLE STAFF

Responsibilities of MRD and MRD PMU

As project owner, MRD is responsible for overall implementation of the LMP. The Project Management Unit (PMU) established under MRD will carry out day-to-day project implementation and management to ensure all project workers are recruited and managed in accordance with requirements set forth in the LMP, Labor Law (1997), and pertinent laws and regulations.

Responsibilities of the PMU's contractors

The responsibilities of PMU's Contractors, which includes the responsibilities of the contractor's safety officer, includes identifying potential hazards to project workers, particularly those that may be life-threatening. These are described in detail in section 6.2. Contractors will be responsible and liable for the safety of the workers and community members in relation to construction activities of the contractors at subproject site.

7. POLICIES AND PROCEDURES

MRD will incorporate all environmental and social requirements, including those related to Labor Management, in the tender document and contract documents to ensure potential bidders are aware of environmental and social performance requirements.

The contractor is required to ensure all documentation related to their environmental and social performance, including activities related to the LMP, are available for inspection at any time by the MRD. All workers will be trained and will be required to sign Individual Code of Conduct, including Manager, as applicable (See Annex 5.2 of ESMF).

8. OCCUPATIONAL HEALTH AND SAFETY

Occupational Health and Safety (OHS) plan will be developed by contractors as contract's Environmental and Social Management Plan, taking into account risks related to OHS identified under this LMP, ESMF and site condition. OHS plan will include specific measures to ensure the safety of workers who travel to remote sites. Section 8 details the specific measures to be adopted in the plan, such as project cars to be driven by professional drivers only with use of seatbelts, and compulsory helmet use for drivers and passengers when using project motorcycles. Project workers

in remote areas will receive health and safety training including prevention of infections. Site-specific risks will be assessed as part of the ESMP which will include plans for identification of emergency health facilities and emergency evacuation. Measure will be taken to ensure workplace are safe from COVID-19 and are in compliance with the Law on Measures to Prevent the Spread of COVID-19 and other Deadly and Dangerous Diseases. UXO risks will be assessed for all sites with the assistance of Cambodia Mines Action Centre/ Cambodia Mines Action Authority and appropriate risk mitigation measures adopted. Additional guidelines on OHS are provided in Annex 5.1 of project's ESMF.

9. TERMS AND CONDITIONS

All terms and conditions that have been outlined in the World Bank's ESS2, including COVID-19 prevention and treatment requirements for workers will be adopted and applied to contracted workers. The additional conditions that are applicable to this LMP are provided in this 9, including conditions related to maximum working hours (limited to 8 hours per day, 6 days per week) in line with national law, typical content required for a work contract for workers, including social Code of Conduct, and so on. There is also a requirement for a work contract to be provided to workers in writing.

10. GRIEVANCE REDRESS MECHANISM (GRM)

To address potential grievances of direct and contracted workers, the GRMs for project workers and SEA/SH survivors are described in section 10. Project contractors and subcontractors are responsible for informing their project workers of these grievance redress procedures – through their employment contract and induction training before the workers start works on sites. While a timeframe is specified for each step, any grievance that concerns urgent health and safety issues shall be resolved immediately. Section 10 describes the full suite of options for lodging a complaint and addressing them. Complaints will be documented and acknowledged in writing upon receipt. MRD's PMU is an alternative channel through which complaint can be lodged. Grievance redress procedures for Project workers, and for Sexual Exploitation and Abuse/ Sexual Harassment can be found in section 10.2 of the LMP.

11. CONTRACTOR MANAGEMENT

For Contractor Selection, contractors are required to provide information including past Environmental, Health, and Safety (EHS) performance, status of ESMS, number and qualifications of Environmental, Social, Health and Safety (ESHS) personnel, occupational health and safety procedures and controls. MRD PMU may include items such as documents showing compliance with in-country ESHS legal requirements and other items in the Requests for Proposal (RFP) or other solicitations to prospective contractors (see section 11.1).

Project Performance

During construction, contractors are required to implement activities including monitoring, keeping records and reporting on terms and conditions related labor management, grievance redress, and others, as detailed in section 11.2. MRD and their consultant for Detailed Design And Implementation Support (DDIS) are responsible for management and supervision of contractors' performance as well as overseeing the implementation of labor related provisions, as described in Contractor's work contract, project's LMP and Contractor's LMP.

12. PRIMARY SUPPLY WORKERS

Given the nature and scope of project' civil works (rehabilitation and construction of roads and bridges), the construction activities will require supply of construction material such as aggregates, bituminous materials, binders like lime, cement. Before purchasing the material from a primary supplier, Contractors need to conduct due diligence of the potential Primary Suppliers (those providing key materials for road construction, in particular raw materials) to ensure there is no forced labor, child labor and serious safety issues involved with activities that produce materials for the project. The LMP has a Remedial Process in case child labor, forced labor and/or serious safety incidents are identified in relation to primary supply workers under the project.

1. INTRODUCTION

1.1 Project Overview

From September to November 2020, Cambodia had experienced heavy rainfall across the country. The heavy rains caused widespread flooding in 20 out of 25 provinces, leaving an estimated 800,000 people directly affected, of which 49% had pre-existing vulnerabilities. The floods also damaged key transport infrastructure, causing disruption to transport connectivity, income generation activities, and loss of properties and access to public services. It was noted that the floods came amid a drought, exacerbating vulnerability of numerous families who are previously disadvantaged. According to the rapid damage assessment by the World Bank, economic loss due to flooding was estimated to be US\$ 448-490 million. Transport, irrigation, and agriculture are sectors that were most affected. The total costs for reconstruction of the damaged transport infrastructure were nearly US\$ 508 million.

The purpose of the second Cambodia Southeast Asia Disaster Risk Management Project (KH-SADRM2) is to support the Royal Government of Cambodia (RGC) to reconstruct approximately 250 km of rural roads and bridges in select provinces (out of 20 affected provinces). These provinces include Banteay Meanchey, Battambang, Kampong Chhnang, Kampong Speu, Pursat, Siem Reap and Tboung Khmum. The rehabilitation of the rural transport infrastructure is expected to not only assist timely and effective recovery of transport connectivity, thereby enabling full restoration of local livelihood, but also enhance resilience of key transport infrastructure in response to recurring floods and long-term impacts of climate change. In addition to physical construction, the project will also strengthen institutional capacity in DRM for national rural development sector, particularly in planning and policy making.

KH-SEADRM2 project is built on the ongoing Cambodia SEADRM Project (KH-SEADRM1, P160929). It is planned that the achievements under KH-SEADRM1 (such as development of the Disaster Risk Financing Strategy) and the activities being implemented under other development projects (such as WB financed Cambodia Road Connectivity Improvement Project and the new climate-resilient road guidelines under the Asian Development Bank's Rural Road Improvement Project III) will inform the core activities of the KH-SEADRM2 project.

1.2 Project Development Objective and Project Components

Project Development Objective.

The project development objective is to support climate-resilient rehabilitation and reconstruction of flood-damaged rural roads and bridges in target areas, improve the capacity of the government to prepare for and respond to emergencies. This objective will be achieved by through implementation of various activities that are organized into four project components:

Project Components.

- **Component 1: Institutional strengthening for disaster resilience at the national level (US\$0.55 million IDA credit and US\$0.45 million RETF).** This component will focus on 21. Provision of technical assistance to strengthen MRD's capacity to prepare for, respond to, and recover from disasters and deal with climate change.
- **Component 2: Resilient Rehabilitation and Reconstruction of Rural Roads and Bridges (US\$68 million IDA Credit).** This component will focus on carrying out climate and disaster

resilient rehabilitation and reconstruction, and maintenance of selected rural roads and bridges and related infrastructure damaged by the 2020 floods and other natural disasters in target areas. The Component also provide technical assistance for: (a) protection of Road Users Through Road User Awareness-Raising; (b) developing a roadmap to expand the functionality of MRD's Rural Roads Asset Management (RRAM) System for post-disaster damage assessment and recovery; and (c) on-the-job Capacity Building for Design and Implementation of Road Rehabilitation to Climate-Resilient Road Standards.

- **Component 3: Project Management (US\$ 3 million IDA Credit, US\$1.5 million Counterpart Financing).** This component will provide technical and operational assistance to strengthen the institutional, organizational, and technical capacity of MRD to support day-to-day Project implementation, including coordination, technical matters, procurement, financial management, social and environmental safeguards, monitoring and evaluation, and reporting.
- **Component 4: Contingency Emergency Response Component (CERC) (US\$ 0m).** This component is designed to provide immediate and effective response to an eligible Crisis or Emergency, as needed.

1.3 Purpose of Labor Management Procedures

This Labor Management Procedures (LMP) was prepared in accordance with the WB's Environmental and Social Framework (ESF), particularly the ESS2 (Labor and Working Condition) and ESS4 (Community Health and Safety). The LMP was also in line with laws and regulations of the RGC. The main purpose of the LMP is to identify risks and potential impacts associated project labor. Based on that, mitigation measures, including grievance redress mechanism, and implementation arrangements are proposed. The LMP is a living document which may be updated where needed during project implementation. The LMP is applicable to all project workers, irrespective of type of contracts such as full-time, part-time, temporary or casual.

The LMP are organized into 12 sections:

1. Introduction
2. Overview on Labor Use under the Project
3. Assessment of Key Potential Labor Risks
4. Brief Overview of Labor Legislation: Terms and Conditions
5. Brief Overview of Occupational Health and Safety Legislation
6. Responsible Staff
7. Policies and Procedures
8. Age of Employment
9. Terms and Conditions
10. Grievance Redress Mechanism
11. Contractor Management
12. Primary Supply Workers

2. OVERVIEW ON LABOR USE UNDER THE PROJECT

2.1 Type of workers

The World Bank's ESS2 (Labor and Working Condition) classifies project workers into four categories: direct workers, contracted workers, community workers and workers of primary suppliers. In this project, the following types of workers are involved:

- **Direct workers** – people employed or engaged directly by the PMU (including the project proponent and the project implementing agencies) to work specifically in relation to the project.
- **Contracted workers** – people employed or engaged through construction contractors/ subcontractors to perform activities related to construction of the civil works, including consultancy works. The contracted workers could be either international or national workers. If international workers, it is likely that these international workers have been already living in the country.
- **Primary supply workers** – people engaged by PMU's contractors as primary suppliers. Primary supply workers include those who are hired by main suppliers of construction materials and goods for core activities of the project.
- **Community workers** – local people who are engaged to provide labor as a contribution to the project, such as on a voluntary basis.

2.2 Direct workers

Under this project, direct workers are individuals who are directly employed or engaged by the MRD's PMU individual consultants.

2.3 Contracted workers

During project implementation, PMU will engage various construction contractors to support project construction and consulting individuals and Detail Design Implementation and Supervision firms (DDIS) to support PMU in project implementation. For contractors, It is estimated that 140 people will be engaged in each of the subproject, on average. The number of people to be engaged in each subproject depends on the scope of work, needs for technical skills, experience, as well as type of equipment, etc. to be used in each subproject. It is anticipated that about 20 roads/ bridge subprojects would be implemented throughout the project. For consulting, various individual consultants will be engaged by PMU to support in project implementation. These include Design Engineers, Construction Supervision Engineer, Environmental, Social Specialists, Procurement Specialist, etc. It is estimated that about 31 people are likely to be engaged as PMU's individual consultants.

For civil works, contracted workers refer to people that a contractor or subcontractor engage to carry out physical construction activities, such as engineers, workers, truck drivers, welders, finance, administrative staff, etc. Staff engaged by contractor and sub-contractor to support may include both skilled workers and unskilled workers. Under the project, contractors will be encouraged to hire skilled workers who live in Cambodia and unskilled workers who are local people, such as those who live in the vicinity of the civil works/ subproject. The use of local unskilled workers will not only provide local people with temporary job opportunities but also contribute to reducing the labor influx into subproject area. Contractors will be encouraged to offer job opportunities to indigenous people (IP) where IP are present in the subproject area. It is estimated that each civil work/subproject may require, on average, 30 people who serve as skilled workers and 80 people as unskilled workers.

During project implementation, the project may engage civil society organizations (CSO), non-governmental organizations (NGO), or think-tanks to provide analytical works for PMU and/or providing training to PMU staff or community members on particular topics such as risks of HIV/AIDS, Sexual Abuse and Exploitation (SEA), Sexual Harassment (SH), Violence Against Child (VAC), COVID-19, traffic safety, etc. About 5 people will be mobilized from these organization to support the above works.

It is estimated that a total of 2,219 people are likely to be engaged as contracted workers to support the implementation of about 20 subprojects located in seven project provinces).

2.4 Primary supply workers

Primary supply workers under the KH-SEADRM 2 refers to workers who work in companies, factories, enterprises that supply, on an ongoing basis, provide directly goods and construction materials that are essential to the core functions of the project. These companies, factories, enterprises should be licensed by the Ministry of Mine and Energy and the Ministry of Environment and should engage no child labor or forced labor. As part of ESMP preparation, risks of child labor, forced labor and serious safety issues will be identified. The number and types of primary suppliers will be confirmed/determined during project implementation stage. For the purpose of risk assessment, it is estimated that 400 people may be involved as primary supply workers in relation to 20 subprojects to be implemented throughout project life (See Chapter 12 for details on primary supply workers).

2.5 Community workers

Community workers are local residents who live in the vicinity of the subprojects and are engaged by the project to provide labor as contribution to the project. Under KH-SEADRM 2, no community workers will be engaged to support the project works. However, it is likely that community members in subproject locations may be engaged by project contractors as unskilled workers to support construction activities related to reconstruction of roads and bridges. When this is the case, these local people are considered “contracted workers” because they are engaged through contracting relationship with the project’s contractors.

2.6 Other stakeholders working in connection with the project

Other stakeholders working in connection with the project will include civil servant who are employed directly by the government. Under the KH-SEADRM 2, these include civil servants who are currently staff of MRD and staff of the Departments of Rural Development (DRD) at provincial and district levels in project provinces. Staff from the General Department of Resettlement (GDR) of the Ministry of Economy and Finance (MEF) and staff from other line ministries are also considered stakeholders working in connection with the project. It is estimated that 44 people may be involved as other stakeholders working in connection with the project.

2.7 Estimated number of workers

Based on the average number of workers potentially engaged for each construction subproject, the total number of subprojects (20), the number of direct and contracted workers engaged by PMU, the total number of potential primary supply workers and other stakeholders working in connection with the project, it is estimated that about 2,679 people would be potentially engaged throughout the project life for project implementation. It is also anticipated that if activities under Project Component 4 (Eligible Crisis or Emergency) are carried out, the total number of contracted workers may be increased.

Table 1 - Estimated Number of Project Workers to be Engaged for the Entire Project

Type of project workers	Characteristics of project workers	Duration of Labor Requirements	Workers per unit/subproject	Total workers (entire project)
<i>DIRECT WORKERS (Sub-Total: 10 persons)</i>				
PMU's member	Individual consultants (e.g. E&S Specialists, Design Engineers, Construction Supervision Engineers, etc.	From project preparation till project completion	10	10
<i>CONTRACTED WORKERS (Sub-Total: 2,225 persons)</i>				
Detailed Design consultant	National specialists	From project preparation until project completion	12	12
Construction Supervision consultant	National specialists		2	2
Independent E&S Monitoring Consultant	National specialists	6		6
Skilled workers	Mostly national permanent staff	Durations vary, depending on construction stages & needs.	30	600
Unskilled workers	local workers (around subproject location)		80	1,600
Civil society, NGOs, etc.			5	5
<i>PRIMARY SUPPLY WORKERS (Sub-Total for entire project: 400 persons)</i>				
Workers producing materials for core project activities	Mostly local workers	Construction stage	20	400
<i>OTHER STAKEHOLDERS WORKING IN CONNECTION WITH THE PROJECT (Sub-Total for entire project: 44 persons)</i>				
Civil servants of MRD, DRD at provincial & district level	SEO safeguard team	The construction stage of the project.	36	36
Civil servants of MEF	Staff of GDR	From project preparation until project completion	4	4
Civil servants of relevant Ministries	Staff	The construction stage of the project.	4	4
			Grand-Total	2,679

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

3.1 Project activities

The project has four Project Components, of which two Components are related to physical construction: Component 2 (Resilient Rural Transport Infrastructure Reconstruction and Maintenance) which involves reconstruction of damaged roads and bridges, and Component 4 which provides emergency response (including reconstruction activities as needed) in an event of an Eligible Crisis or Emergency happen during project implementation.

Project Component 1 and 3 are not related to physical construction. They focus on capacity building activities, day-to-day coordination, management and implementation of the project. Although activities under Project Component 1 and 3 does not require physical construction, it involves engagement of consultants who provide technical and implementation support to several project activities. These individual consultants may work in office and/or visit the fields. These activities would expose them to risks related to occupation health and safety (OHS), road safety, communicable disease, and non-communicable diseases, etc. while serving the project. Therefore, consultants engaged under Component 1 and 3 will be subject to all OHS requirements set forth in this LMP.

3.2 Key Labor Risks

Based on the nature and scope of potential civil works, and geographical characteristics of the potential construction sites, the following hazards and risks are anticipated, and are categorized into the following types: a) Occupational Health and Safety (OHS), b) Labor Influx, c) Sexual Exploitation and Abuse, Sexual Harassment, and Violence Against Children, d) Child labor, e) Forced Labor, f) Discrimination and Exclusion of Disadvantaged/ Vulnerable groups, and g) Temporary Workers, as described below.

a) Occupational Health and Safety (OHS) Risks:

Physical Hazards. Physical hazards represent potential for accident or injury or illness due to repetitive exposure to mechanical action or physical activities. Physical hazards may result in a wide range of injuries, from minor and need medical aid only, to disabling, catastrophic, and/or fatal.

- **Accidents due to falls:** falling from ladders, scaffoldings, vehicles, and bridge beams, etc.
- **Drowning and water injury accidents:** at bridge construction sites, workers may have to walk on structure above the water, or beams across the river or stream.
- **Accident due to falling objects:** Tools, machinery, equipment and materials used during construction may fall from the height, causing injuries.
- **Fall into open holes:** holes, manhole, and areas of deep excavation may be commonly found at road and bridge works. Fall into these holes may cause injuries of various degrees.
- **Physical injury related to the operations of heavy equipment:** Injury may result during operations of heavy equipment, such as crane, excavator, cuts and bruises on sharp objects etc.

Chemical hazards. Chemical hazards represent potential for illness or injury due to single acute exposure or chronic repetitive exposure to toxic, corrosive, sensitizing or oxidative substances. Common chemicals used in construction include Portland cement clinker (mineral binders), formaldehyde (wood-based materials), polyurethane, vinyl, cadmium or lead (paints and resins), and

solvents. They also represent a risk of uncontrolled reactions, including the risk of fire and explosion, if incompatible chemicals are inadvertently mixed.

- **Fire and Explosions.** Fires and or explosions resulting from ignition of flammable materials or gases can lead to loss of property as well as possible injury or fatalities to project workers.
- **Corrosive, oxidizing, and reactive chemicals.** Corrosive, oxidizing, and reactive chemicals present similar hazards and require similar control measures as flammable materials.

Personal Protective Equipment. PPE provides additional protection to workers exposed to workplace hazards in conjunction with other facility controls and safety systems. Lack of appropriate PPE may, in circumstance, result in injuries workers' eyes, heads, necks, ears, hands, arms, feet, legs, ears, lungs, and even the whole body.

b) Labor influx

The project contractor is likely to bring their own staff, such as project manager, technician and skilled workers, to support construction of the civil works. The contractors' staff may not share cultural characteristics with local people. As a result, some social risks are anticipated as a result of this labor influx, including:

- **Increased pressures to local inhabitant** due to increased demand for food, fuel, housing on the part of contractors' labor force, including non-local people who associate with contractor's workforce. These may include workers' families, sex workers, local businesses, job seekers and others;
- **Potential social conflicts** with local people;
- **Increased health risks**, such as contracting communicable disease such as COVID-19, HIV/AIDS, and non-communicable diseases (dengue fever, flu, etc.);
- **Increased risk** of traffic accidents, particularly for those living in the vicinity of the civil works and those who travel near the construction area.

c) Sexual Exploitation and Abuse, Sexual Harassment, and Violence Against Children

Because there are about 20 subprojects that involve reconstruction of roads and bridges, the potential social risks under this project may include risks related to sexual abuse and exploitation (SEA), sexual harassment (SH), and violence against children (VAC). These risks are identified based on potential concentration of a large number of workers at road and bridge subprojects, to support physical construction. For a civil-work subproject, around 50-180 workers may be engaged to carry out construction activities. To minimize the risk, various measures will be taken to target various potential project stakeholders: contractors, local people (including IP), local government, SEA/SH service providers, and so on. To further reduce the likelihood of happening, effort will be made by PMU to minimize the labor influx. This can be done by encouraging contractors to mobilize local people for their unskilled workforce, including skilled workers, whenever possible. For contractors, contractors will be required to train their workers (both skilled and unskilled works) on Individual Code of Conduct related to SEA/SH/VAC to avoid/minimize these. The observation of the Individual Code of Conduct on the part of workers will be closely monitored by Contractors, PMU, with the participatory monitoring by local people and local government. As part of mitigation measures, contractors will repeat their training for their own workers, and monitor their workers' application of the Individual Code of Conduct, plus prohibition and exercising strict disciplinary actions. As for

community, PMU will carry out SEA/SH/VAC awareness raising activities as part Information, Education, Communication (IEC) program. Awareness raising on SEA/SH/VAC will be integrated in consultations, meetings, training that PMU hold with local people, local government, PMU's direct workers, project proponent and project implementation agencies. Distribution of project information booklet, project's SEA/SH/VAC complaint handling procedure, is another way to reach out wider audience rather than those who directly attend meetings. Given the availability of these proposed measures and low awareness of local people, the risk of SEA/SH/ VAC is evaluated as "Moderate" by the time of project preparation.

d) Child labor

The Labor Law stipulates that minimum working age is 15 years old. According to the World Bank's ESS2, the minimum working age required is 14 or higher as the national law specifies. Since the project construction activities will take place in rural area where child labor is common, there is a possibility that local labor under 18 years of age is engaged by construction contractors and subcontractors to perform unskilled works. To ensure children are prevented from being engaged in typically heavy works at construction sites, all contractors under the project are required to engage labor of 18 years of age or above. The contractors are required to verify the workers age using valid supporting document before contract is signed. The requirement for minimum working age of 18 years of age will be included in bidding documents, and in work contract that PMU signs with each of the awarded contractors. With these measures in place, the risk of engaging child labor is rated "low".

e) Forced labor

Forced labor or compulsory labor is forbidden under the Labor Law (Article 15, Section 5). Forced labor includes situations where persons are coerced to work through use of violence or intimidation, manipulation of debt, retention of identity papers, threats, or other forms of retaliation. Hiring of people to work in order to pay off their debt is considered forced labor. Since project construction activities will take place mainly in rural area and most people are likely unskilled for the construction works, effort will be made by PMU and contractors to avoid forced labor. This will be done through requirement of avoiding forced labor in contractors' work contract, and requirement for contractors to verify if a local worker to be hired is likely to be forced labor. PMU will notify the Bank of any violation within 24 hours and take appropriate remedial action. Under this project, the risk of engaging forced labor is "low".

f) Discrimination and exclusion of disadvantaged/ vulnerable groups

Vulnerable/disadvantaged people, such the poor, indigenous peoples, women, etc., may be excluded from accessing temporary employment opportunities, such as those offered by construction contractors. Unequal wage payment on the account of gender may happen, particularly with local people engaged as unskilled workers. Every effort will be made to ensure local disadvantaged/ vulnerable groups are informed by contractors about job opportunities and contractors are also required, through their work contract, avoid impartial pay based on gender and employment status. Contractors may ask commune office and/or local mass organizations for their support in making job opportunities timely accessible to vulnerable people. The risk of discrimination and exclusion of disadvantaged/ vulnerable groups is "low".

g) Temporary workers

Local people, recruited as unskilled workers by project contractors, may not be offered a written working contract. As a result, there is a possibility that they may be underpaid for the nature, scope, and quantity of work that they undertake. They may also be asked to work under conditions that are hazardous to them, such as working without personal protective equipment as required for such work. Underpayment may also take place on the basis of gender, temporary work status – at the discretion of contractors. To address this risk, contractors will be required to sign a contract with temporary workers. The contract will clearly specify the nature and scope of the work, including the number of work hours the workers are expected to work per day, including the workload expected based on physical suitability of the temporary workers. This requirement will be incorporated into bidding documents and work contract between PMU and awarded contractors to minimize the risk. This risk is assessed to be “low”.

h) Road safety

Road accidents can happen to any project workers during construction. For instance, if contractor’s drivers are not careful while driving through a populated area, accident may happen which may affect not only truck driver but also local people. To reduce the risks of road accident related to project workers, a holistic approach will be adopted. Potential measures include regular vehicle inspections, drivers’ requirements, checking on use of drugs and implementation of other road safety aspects that contractor will conduct and workers need to follow. In addition, local people and local government will be informed of road safety risk so that they can take action as a preventative measure that contributes to reducing risks of road accident while using roads through which contractors’ vehicles usually operate. To enhance road safety, PMU will engage consultant specialized in road safety IEC, and consultant experienced in road safety measures. Identified road safety risks will be communicated to potential target groups in media campaign, including in Project Information Booklet which will be distributed to people participating project consultations. Safety IEC materials will also be posted on the website and Facebook page of PMU. Where local government has loudspeakers, these utilities will be used to communicate the risks to wider audience, particularly indigenous people groups who may live far away from project roads but occasionally use the road. Contractors will also be required to take necessary measures, such as traffic control, use of signages, guide posts, warnings, lights, flagman, etc. as recommended in ESMF, to reduce the risks related to road accident to both contractors’ workers and local road users. This risk is assessed to be “low” to “moderate” and will be revisited from time to time, particularly before and during construction phase based on contractors’ performance, site condition, and awareness of local road users.

Table 2 - Summary of Occupational Health and Safety Hazards and Risks

Project stage	Project activities	Project Component	Potential stakeholders	Identified Hazards	Preliminary Risk Assessment ¹
PROJECT PREPARATION	<i>Project administration and implementation support</i>	Comp 1&3	→ PMU staff (civil servant & individual consultants)	SEA/SH	Low
	<i>Technical design & Field survey</i>	Comp 1&3	→ PMU staff (civil servant & individual consultants)	→ Traffic and Road Safety Risks, SEA/SH	Low - Moderate
PROJECT IMPLEMENTATION	<i>Construction operations</i>	Comp 2 & 4	→ Contractors and Subcontractors → Primary Supply workers → PMU staff (civil servant & individual consultants) → Road users (community members, non-local road users)	Occupational Health and Safety (OHS), including: → Physical hazards (PH) → Chemical hazards (CH) → Personal Protective Equipment (PPE) → Special Hazard Environments (SHE)	<i>By type of risk:</i> → PH: Low-Substantial → CH: Low- Moderate → PPE: Low → SHE: Low → TRS: Low- Moderate <i>By group:</i> → Manager and skilled workers: Low → Unskilled workers: Low-Moderate → PMU: Low → Road users: Low-Moderate
	<i>Construction supervision</i>	Comp 1	→ PMU's Construction Supervision consulting firm → PMU staff (civil servant & individual consultants)	→ Traffic and Road Safety (TRSR) during on-site supervision, SEA/SH → Accidents at asphalt plant mix, workers' camp → Lack of appropriate traffic sign/road sign for traffic safety at night. → Accident due to fatigue (overtime, night shifts)	
	<i>Environmental and Social Monitoring</i>	Comp 1	→ PMU's staff		
	<i>Capacity building for project stakeholders</i>	Comp 1	→ PMU's consulting firms (e.g. NGOs, CSOs, think tanks) → Stakeholders working in connection with the project at national/ provincial/ district/ commune levels	→ Physical hazards (PH) Traffic and Road Safety (TRS), SEA/SH	
	<i>Additional studies</i>	Comp 1	→ PMU's consulting firms → PMU's staff → SEA/SH		
	<i>Participatory monitoring</i>		→ Community member	SEA/SH	Low

¹ Preliminary risk assessment was carried during early stage of project preparation. This assessment needs to be updated based on actual condition such as contractors' capacity and performance, etc. during project implementation.

OPERATIONS	<i>Operations & Maintenance</i>	Comp 2&4	<ul style="list-style-type: none"> → PMU's → O&M contractors → Community member (at subproject level) 	Occupational Health and Safety: <ul style="list-style-type: none"> → Physical hazards → Chemical hazards → Personal Protective Equipment → Special hazard environments → Traffic and Road Safety → SEA/SH 	<i>By type of risk:</i> <ul style="list-style-type: none"> → PH: Low-Substantial → CH: Low- Moderate → PPE: Low → SHE: Low → TRS: Low- Moderate
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4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The Labor Law (1997) is the regulatory framework with regards to labor and working condition in Cambodia. The Labor Law provides regulation against discrimination, promote fair treatment and equal opportunity in employment and wages, and provides protection and assistance to vulnerable workers. The Labor Law is dedicated to promoting health and safety in the workplace and applicable to anyone who are engaged through working contract.

The following laws and legal documents are related to terms and work conditions, and are applicable to direct, contracted and primary supplier’s workers:

- Law on the Prevention of Domestic Violence and the Protection of Victims
- Law on the Protection and Promotion of the Rights of Persons with Disabilities
- Prakas on the Prohibition of Hazardous Child Labor
- Prakas on Light Work

The table below summarizes key issues of the 1997 Labor Law, covering basic wage, payment arrangement and deductions, hours of work, overtime work, rest per week, and leaves (such as annual leave, sick leave, maternity, and other personal/family leave), etc.

Key issues	Relevant Articles in Labor Law 1997	Categories of workers
Basic wage	<p>Article 104: The wage must be at least equal to the guaranteed minimum wage. It must ensure every worker has a decent standard of living compatible with human dignity.</p> <p>Article 105: Any written or verbal agreement that would remunerate the worker at a rate less than the guaranteed minimum wage shall be null and void.</p>	Direct workers, Contracted workers, Primary supply workers
Payment arrangement & deductions	<p>Article 113: The wage must be paid directly to the worker concerned, unless the worker agrees to get paid through other methods.</p> <p>Article 116: Workers’ wages shall be paid at least two times per month, at a maximum of sixteen-day interval. Employees’ wages must be paid at least once per month. In the event of termination of a labor contract, wage and indemnity of any kind must be paid within forty-eight hours following the date of termination of work.</p> <p>Article 127: None of the balance can be made, in favour of the employer, between the worker’s wage and the employer’s claim for diverse supplies of whatever kind, with the exception of:</p> <ol style="list-style-type: none"> 1. Tools and equipment required for the work and that are not returned by the worker upon his departure; 2. Items and materials under the control and usage of the worker; 3. Amount advanced to acquire the said items; 4. Amounts owed to the company store. <p>The total amount deducted from the wage, in any case, cannot surpass the portion deemed necessary to provide the basic living for the worker and his family.</p>	Direct workers , Contracted workers, Primary supply workers

Key issues	Relevant Articles in Labor Law 1997	Categories of workers
Hours of work	Article 137: In all establishments of any nature, whether they provide vocational training, or they are of a charitable nature or liberal profession, the number of hours worked by workers cannot exceed eight hours per day, or 48 hours per week.	Direct workers , Contracted workers,
Overtime work	Article 139: If workers are required to work overtime for exceptional and urgent jobs, the overtime hours shall be paid additional 50% of rate for normal hours. If the overtime hours are worked at night or during weekly time off, the rate of increase shall be 100%.	Primary supply workers
Rest per week	Article 146. It is prohibited from using the same worker for more than six days per week. Article 147: Weekly time off shall last for a minimum of twenty-four consecutive hours. All workers shall be given, in principle, one day off on Sunday.	Direct workers, Contracted workers,
Leaves	Article 166: Unless there are more favourable provisions in collective agreements or individual labor contracts, all workers are entitled to paid annual leave at the rate of one and a half a workday as paid leave per month of continuous service. Any worker who has not worked for two continuous months is entitled, at the termination of his labor contract, to compensation for paid leave calculated in proportion to the amount of time he worked in the enterprise. For jobs that are not performed regularly throughout the year, a worker is considered to have met the condition of continuous service if he works on average 21 days per month. Article 170: In principle, annual leave is provided for the Khmer New Year unless there is a different agreement between the employer and the worker. In this case, the employer must inform the Labor Inspector of this arrangement. In case where paid annual leave exceeds fifteen days, employers have the right to grant the remaining days off at another time in the year, except for the leave for children and apprentices who are less than eighteen years of age.	Primary supply workers

5. BRIEF OVERVIEW OF OCCUPATION HEALTH & SAFETY LEGISLATION

Provisions related to Occupational Health & Safety are specified in the Labor Law (1997). These provisions are consistent mostly with the WB's ESS2. The OHS provisions in the Labor Law aim to ensure that employees work in safe and healthy environment by setting and enforcing standards and regulations, as well as specifying the rights and responsibilities of employers, employees and other relevant parties as to exercising OHS principles and taking measures to prevent occupational accidents, diseases and ensure work safety.

In accordance with the Labor Law (1997), the Ministry of Labor and Vocational Training has issued the following OHS regulations:

- Prakas No 052 dated 01 February 2000 concerning Sanitary Toilet;

- Prakas No 054 dated 01 February 2000 concerning provision of the Safe Drink;
- Prakas No 124 dated 15 June 2001 concerning Heavy Object Lifting by Hand;
- Prakas No 125 dated 15 June 2001 concerning Air Ventilation and Sanitation;
- Prakas No 138 dated 22 April 2003 concerning Noise at Workplace;
- Prakas No 106 dated 28 April 2004 concerning Prohibition of Children Working in Dangerous Workplace;
- Prakas No 075 dated 30 March 2011 concerning Sanitation at the Construction Site;
- Prakas No 077 dated 30 March 2011 concerning Information at the Construction Site;
- Prakas No 078 dated 30 March 2011 concerning Storage, Waste Management and Cleanliness at Construction Site.

6. RESPONSIBLE STAFF

6.1 Responsibilities of MRD and MRD PMU

As project owner, MRD is responsible for overall implementation of the LMP. Before project implementation, MRD will establish an PMU and ensure the PMU will carry out day-to-day project implementation and management to ensure all project workers are recruited and managed in accordance with requirements set forth in the LMP, Labor Law (1997), and pertinent laws and regulations. Specifically, PMU will:

- Ensure principal contractors and their subcontractor are fully aware of, and are committed to implementing all requirements set forth in the project LMP;
- Ensure principal contractors prepare Contract's Labor Management Procedures in compliance with the project LMP and submit to PMU for review and approval prior to mobilizing staff to project site;
- Ensure workers engaged by principal contractors and their subcontractors are fully aware of all requirements described in the Contractor's LMP, particularly requirements related to terms and working condition and complaint handling procedures applicable to project workers;
- Conduct regular monitoring to ensure principal contractors and subcontractors' performance is in compliance with the Contractor's LMP, and with relevant provisions described in subproject's ESMP and procurement documents;
- Ensure principal contractors and their subcontractors take timely and appropriate measures to ensure their workers carry out the work safely and without risk to their health;
- Ensure principal contractors and their subcontractors conduct regular risk assessment, provide timely and necessary risks-based trainings to their workers, and provide

appropriate supervision to required plans and actions with a view to avoiding or minimize the risks and potential impacts identified in this LMP;

- Ensure principal contractors and their subcontractor address timely their workers' grievances in accordance with the GRM described in Contractor's LMP and establish a safe working environment, free of discrimination and SEA/SH risks, as well as provide appropriate PPE, especially for those conducting site inspections/supervision.

6.2 Responsibilities of PMU's Contractors

The contractors will:

- Develop and implement procedures to establish and maintain a safe working environment at project's construction sites. This includes safe workplaces, safe operation of machinery and equipment to avoid/reduce potential risks to the health and safety of contracted workers, and the general public.
- Actively and regularly train workers to promote workers' understanding and implementation of OHS requirements, including risks related to COVID-19, SEA/SH/VAC, etc.
- Provide laminated signs of relevant safe working procedures in visible area at construction sites (in English and local language);
- Provide appropriate PPE to workers;
- Put in place procedure that encourage workers to report work situations that are hazardous or put the health and safety of workers and community members at risk;
- Confirm training of workers is provided and appropriate measures are in place before mobilizing their workers to communities with potential risk of conflicts;
- Ensure sufficiently supplied first-aid kits are provided at all construction sites;
- Provide employees with access to toilets and potable drinking water; and
- Properly dispose of solid waste at designated permitted disposal/landfill sites.
- Keep track of and report periodically all responsibilities listed under Section 6.2 , as a minimum,

Specifically, the contractors are responsible for the followings:

Compliance. Comply with relevant national legislation as well as requirements set forth in this LMP (see Annex 9 for OHS Guidelines);

Terms and Working Conditions. Ensure all the workers engaged for the project work are fully aware of terms and working conditions as per Contractor's LMP. Observe fully the Contractor's LMP.

Appointment of Staff. Ensure key officers in charge of OHS and Work Safety are timely on board and satisfactorily identify hazards, assess risks, prepare training curriculum, timely deliver

training and appropriately to ensure workers' full understanding of OHS and Work Safety requirements before workers commence the works.

Training of Workers. Ensure all workers engaged have the right and sufficient skills, knowledge, training and experience to carry out the work, or are in the process of obtaining them, to meet the work requirements as specified in the Work Contract. Where required by the project, provide additional trainings and supervision to ensure workers work safely.

Ensure training of workers covers key topics that were identified as potential risks to workers and to the general public. These topics may include Environmental, Social, Health and Safety (ESHS), OHS, SEA/SH?VAC, communicable diseases such as HIV/AIDS, COVID-19, non-communicable diseases, as well Individual Code of Conduct (CoC) - as specified in the Work Contract with PMU.

Addressing Workers' Grievances. The Contractors shall implement the Grievance Redress Mechanism (GRM) for workers – as specified in this LMP. The MRD's SEO will review the contractors' GRM records on a monthly basis. MRD will ensure all complaints are resolved timely – in line with the procedures set forth in Section 10 of this LMP and reflect GRM results in PMU's progress reports to be submitted quarterly to the World Bank.

Reporting. Ensure accidents are reported to MRD on a monthly basis and serious incidents shall be reported immediately.

Contractor's Safety Officer will be responsible for:

- Identifying potential hazards to project workers, particularly those that may be life-threatening;
- Providing preventative and protective measures, including modification, substitution, or elimination of hazardous conditions or substances;
- Training project workers and maintenance of training records;
- Documenting and reporting of incidents;
- Preparing emergency preparedness plan, including response actions for such emergency situations; and
- Providing remedial actions for adverse impacts such as occupational injuries, deaths, disability and diseases.

Further to compliance to the environmental and social management requirements, contractors will be responsible and liable for the safety of the workers and community members in relation to construction activities of the contractors at subproject site.

7. POLICIES AND PROCEDURES

MRD will incorporate all environmental and social requirements in the tender document and contract documents to ensure potential bidders are aware of environmental and social performance requirements, are able to incorporate such requirements in their bids, as well as implement such clauses for the duration of the contract.

The contractor is required to ensure all documentation related to their environmental and social performance, including activities related to the LMP, are available for inspection at any time by the MRD. All workers will be trained and will be required to sign Individual Code of Conduct, including Manager, as applicable (See Annex 5.2).

Occupational Health and Safety

Occupational Health and Safety (OHS) strategy will include specific measures to ensure the safety of workers who travel to remote sites, including (1) project cars to be driven by professional drivers only and with use of seatbelts while in cars; (2) compulsory helmet use for drivers and passengers when using project motorcycles, including private motorcycles when used for project-related tasks; (3) travel by motorcycle for project-related purposes shall be in during daytime (4) not driving when under the influence of alcohol or any drugs, (5) measures to monitor, anticipate and avoid potential security risks while travelling, including liaison with local police and authorities and encouraging project workers to share any concerns they may have.

Project workers in remote areas will receive health and safety training including prevention of infections through contaminated food and/or water and/or through vector-borne diseases and avoidance of snakebites and insect stings. Site-specific risks will be assessed as part of the ESMP which will include plans for identification of emergency health facilities and emergency evacuation. If necessary, stocks of snakebite anti-venom will be maintained at project sites.

UXO risks will be assessed for all sites with the assistance of Cambodia Mines Action Centre / Cambodia Mines Action Authority and appropriate risk mitigation measures adopted.

The Health and Safety specifications will include the following provisions:

- Ensuring health and safety standards at workplace are in full compliance with Cambodian law, including (1) basic safety awareness training to be provided to all workers as a pre-condition for presence at a construction site; (2) all vehicle drivers to have appropriate licenses, and all construction equipment operators to be trained including in safety procedures; (3) Safe management of the area around operating equipment (e.g. turning circle of excavators), including stationing flagmen where necessary; (4) all workers on construction sites to be equipped with helmets, safety boots and protective gloves; (5) secure scaffolding and fixed ladders to be provided for work above ground level; (6) First aid equipment and facilities to be provided in accordance with the Labour Law; (8) at least one supervisory staff trained in safety procedures and to be present at all times when construction work is in progress; and (9) adequate provision of hygiene facilities, resting areas, etc.
- Ensuring workplace are safe from COVID-19 and are in compliance with the Law on Measures to Prevent the Spread of COVID-19 and other Deadly and Dangerous Diseases, dated on 11 March 2021.
- All health and safety incidents at workplace will be appropriately recorded in a register which will be shared with the supervising engineer. The register should include (1) time and place of the incident; (2) type of incident; (3) type of injury or other impacts that

occur, and number of workers and others that have been affected; and (4) actions that have been taken (first aid, evacuation etc.).

- All workers will be covered by insurance against occupational hazards.
- All work sites have health and safety plan, including identification of potential hazards and actions to be taken in case of emergency, locations prone to accidents, and emergency facilities.
- On-site accommodation has to be safe and hygienic. Adequate supply of potable water, washing facilities, sanitation, accommodation and cooking facilities will be provided. Location and layout of site camps will be agreed with construction supervisors and relevant risk assessment will be conducted (See also Annex 4.5 of ESMF for Guidelines on Worker's Camps).
- Workers residing at site accommodation will receive training on prevention of infections from contaminated food and/or water, vector-borne and sexually transmitted diseases.
- Where contractors hire workers who are local community members, ensure disadvantaged and vulnerable community members have equal access to such work opportunities. Where large numbers of community members are employed, childcare facilities should be provided.
- Employment of children under 18 is prohibited under the project.
- Under no circumstances will contractors, sub-contractors and primary suppliers engage forced labor.
- Construction materials manufactured in Cambodia shall be procured from suppliers who are able to certify that no forced labour (including debt bondage labour) or child labour (except as permitted by the Labour Law) were involved in production of the materials.
- All employees have to be aware of their rights under the Labour Law;
- All employees will be informed of their rights to submit a grievance through the Project's GRM for project workers (Section 10.2).

Additional guidelines on OHS are provided in Annex 5.1.

8. AGE OF EMPLOYMENT

The minimum working age required for the KH-SEADRM 2 project is 18 years of age. This requirement applies to both national and international workers. Prior to the engagement of labor, workers will be required to provide their identification card or birth certificate for age verification before commencing project related works. In the absence of these official documents, alternative methods could be used to support the age verification, such as a testimony/affidavit from commune level where the potential employee was born, or currently live. Contractors will check all supporting documents for age verification for its validity. A copy of the document used for age verification will be kept on the Contractor's record.

9. TERMS AND CONDITIONS

All terms and conditions that have been outlined in the World Bank's ESS2 (paragraphs 10 to 15) will be adopted and applied to contracted workers. In addition,

- In line with national law, the maximum working hours are limited to 8 hours per day, 6 days per week.
- Employers shall guarantee that the workers shall have at least one resting day per week. Employers shall also make arrangements for the employees to take vacation according to law during Khmer New Year, Pchum Ben and any other holidays prescribed by the laws and regulations.
- Employment opportunities will be available to all, including equal pay regardless of workers' gender, ethnicity, and employment status.
- The wages to be paid to workers shall not be lower than the local Cambodian minimum wage.
- Relevant provisions in the Labor Law for female workers must be observed, including maternity leave for female workers, where applicable.
- Workers are required to be tested periodically for COVID-19 (per updated local regulations at subproject location). Worker(s) tested positive will be isolated and transferred to designated Health Care Facilities for medical treatment.
- Suspected workers will be isolated for close medical monitoring and reported to local health services/authorities for guidance/action to prevent spreading.
- Workers affected with COVID-19 and cannot work will be paid as per regulation under Labor Code.

The labor contract shall be provided to workers in writing and shall have the following provisions:

- Work content (e.g. nature and scope of work);
- Working condition (duration of contract; hours of work, overtime work, place of work, annual leave, sick leave, labor protection measures, etc);
- Remuneration payable (basic wage, bonus...);
- Conditions for termination of the employment contract;
- Responsibilities of parties when breaching employment contract;
- Staff regulation and rules, including Individual Code on Conduct on SEA/SH/VAC, etc.;
- Disciplinary measures for violation of Individual Code of Conduct and misconduct;
- Grievance Redress Procedures related Labor and Working Conditions, and SEA/SH.

10. GRIEVANCE REDRESS MECHANISM

To address potential grievances of direct and contracted workers, the GRMs for project workers and SEA/SH survivors are described below. These complaint handling procedures will be disclosed to project stakeholders, including project workers, community adjoining to subprojects, vulnerable groups, and interested parties, etc., during project preparation and implementation. Project contractors and subcontractors are responsible for informing their project workers of these grievance redress procedures – through their employment contract and induction training before the workers commence the works at construction sites.

It is noted that while a timeframe is specified for each step, any grievance that are concerned of urgent health and safety issues shall be addressed and resolved immediately. Where a grievance cannot be addressed within a reasonable/specified timeframe, the aggrieved persons should be informed in writing to allow them to consider proceeding to the Labor Inspector in their province or municipality. The aggrieved persons also can appeal to court any step as they wish.

10.1 Principles for labor related GRM

- Complaint will be resolved in a timely, fair, transparent manner;
- Complaint can be lodged in writing, verbally, directly by the complainant, or their representative;
- Complaint will be documented, acknowledged in writing upon receipt;
- Resolution process specifies parties who are in charge of complaint resolution, timeframe for each step, and complainant' right to approaching Labor Inspector and/or initiating a lawsuit at any step;
- MRD's PMU is an alternative channel through which complaint can be lodged;
- Collective complaint is possible – through representative of the complainant group.

10.2 Grievance Redress Procedure for Project Workers

Project workers can lodge their grievance/complaint as follows:

- **Step 1 – Employer Level.** aggrieved person (AP) can submit their grievance to their Employer who serves as the first focal point for receiving and resolving grievance. Grievance can be lodged verbally or in writing, in person or by phone, text message, mail or email (anonymous complaint is accepted). The Employer involved will resolve the case no later than 15 days. Once resolved and the AP is satisfactory, the Employer will report the case, including resolution process and results, to the SEO of the MRD for information and record. If the AP is not satisfied with the resolution of their Employer, the Employer will refer the AP to the SEO of the MRD, and the MRD Management if needed, and inform the AP of this referral. It is noted that if a complaint is concerned of the safety and health of one or several individuals, such complaint shall be resolved as soon as possible – depending on the nature and urgency of the grievance.
- **Step 2 – PMU level.** MRD SEO will resolve the complaint referred by the Employer and acknowledge the receipt of the AP's complaints within two weeks from the date of

complaint receipt. If the SEO of MRD cannot resolve the complaint, the SEO Safeguard Team will consult with the Project Manager/Director for resolution. The SEO of the MRD will inform the AP of the PMU's resolution result in writing within 30 days from the date of complaint receipt. If the AP is not satisfied with the resolution outcome proposed by PMU, PMU will refer the case to the Project Steering Committee of the project for resolving and inform the AP of this referral in writing.

- **Step 3 – Project Steering Committee level.** At this level, the case will be resolved no later than 21 days. The AP will be informed of the resolution decision in writing.

In case the grievance has not been solved within the specified timeframe, or the AP does not agree with the proposed resolution, the AP can approach the Labor Inspector of his/her province or municipality.

- **Step 4 – Court of Law.** If the AP is not satisfied with the resolution proposed above, the AP can initiate a lawsuit to the court of law at any step. The cost associated to the lawsuit shall be borne by the AP. The decision of the Court will be final.

10.2 Grievance Redress Procedure for SEA/SH

Under the project, the GRM for SEA/SH mainly serves to: (i) REFER complainants to local GBV service provider; and (ii) RECORD resolution of the complaint. In line with this, the following principles are applied. These principles recognize survivor as principal decision makers in their own care, and treat them with agency, dignity and respect for their needs and wishes.

- **Multiple channels** are in place for easy access and lodge complaints;
- **SEA/SH survivors will be referred to local GBV service provider** for immediate support if they make a complaint directly to PMU,;
- **Confidentiality of survivors are protected.** GM operator will keep SEA/SH allegation report confidential.
- **No identifiable information on the survivor shall be collected and stored** in Project Grievance Logbook;
- **Costs of operating the SEA/SH GRM will be financed by the project;**
- **GBV service provider will be engaged** for subprojects that are rated “High” or “Substantial” for SEA/SH risks, based on SEA/SH risk assessment conducted as part of site-specific ESMP.

Channels for lodging SEA/SH complaints

Channel 1 – AP can follow steps outlined in Section 10.2 (above) to lodge a SEA/SH complaint.

Channel 2 – Alternatively, AP can lodge their complaint, verbally or in writing, to the GRM Focal Point (the SEO of MRD) for advice on grievance resolution.

Channel 3 – If AP wants to bring the case of the Court of Law, AP can follow steps below. Prosecution related to SEA/SH is administered under the Criminal Code and the Code of Criminal Procedure, and is as follows:

- ◇ **Step 1 – Judicial Police.** SEA/SH victim or a representative can submit their grievance to a local Judicial Police (JP) Officer. JPs include a) Commune/ Sangkat Chief, b) Commune/ Sangkat/ District/ Provincial/ National Police, and c) District/ Provincial/ National Military Police. The JP is responsible for receiving, recording complaints, and may conduct preliminary investigations to identify and may arrest the perpetrator. The JP will also collect evidence to support the prosecutors. If the SEA/SH happens at home and/or falls under the domain of domestic violence (as per Law on the Prevention of Domestic Violence and Protection of Victims), the SEA/SH survivor may seek support from a local qualified Judiciary Police Officer (appointed by the Ministry of Women’s Affairs) who can act as a complaining party on behalf of the SEA/SH survivor².
- ◇ **Step 2 – Prosecutor.** Upon receiving the completed written record from the JP, the prosecutor can make a decision on if the prosecutor will hold a file without processing it further, or conduct proceedings against the perpetrator. The prosecutor may bring the case to the Court of Law and present the evidence in Court hearings.
- ◇ **Step 4 – Investigation by Judge.** During this step, the investigating Judge will conduct interrogation of the charged person and perform other required investigation procedure.
- ◇ **Step 5 – Hearing.** After issuing an order of indictment, the investigating Judge will submit the case to the trial court president who shall arrange a date for the trial. The decision of the Court on SEA/SH resolution is final.

11. CONTRACTOR MANAGEMENT

11.1 Contractor Selection

- **PREQUALIFICATION**

Contractors should be asked to provide details including (but not limited to):

- Past EHS performance; status of ESMS;

² In 2007, Inter-Ministerial Prakas No. 64 was issued by the Ministry of Women's Affairs (MoWA) and the Ministry of Justice (MoJ) appointing MoWA officials who have legal qualifications to be officials of the MoWA Judicial Police. The roles and authority of the JPO under MoWA is defined in the MoWA's Prakas No. 072 KKN/BS (2007) and is as follows: (1) act as a plaintiff representing the victim (2) prepare reports and records (3) monitor and follow up on relevant investigations (4) follow up on Court's procedures (decisions and convictions). In addition, Prakas of the Ministry of the Interior (No. 3840, 2020) on Establishment and Functioning of the Commune/ Sangkat Committee for Women and Children, has defined the roles and responsibilities of these Committees in prevention, mitigation and collaboration with juridical agencies to prevent, resolve cases related to domestic violence, sexual abuses, sexual harassment, human trafficking (such as exportations of women and children in commune/ sangkat for sexual exploitation).

- Number and qualifications of ESHS personnel; occupational health and safety procedures and controls;
- HR policies, codes of conduct, and grievance mechanism, including means to address harassment and other forms of GBV plus prior reported incidents of SEA and GBV; and
- Supply chain management as criteria for inclusion on such lists.

The number of documents and level of information and detail requested shall be commensurate to the scope of work and other specific features that the contractor is being prequalified against.

- **SOLICITATION**

MRD PMU may include the following in their RFPs or other solicitations to prospective contractors:

- Documents showing compliance with in-country ESHS legal requirements.
- MRD's corporate E&S policy and other relevant policies, such as those for human resources, anticorruption and bribery, procurement, and stakeholder engagement.
- MRD's Contractor E&S Requirements that define the main expectations in terms of occupational health, safety, E&S, and community aspects.
- Other governance frameworks or industry standards that may apply.

11.2 Project Performance

During construction, contractors are required to:

- Monitor, keep records and report on terms and conditions related to labor management;
- Provide workers with evidence of all payments made, including benefits and any valid deductions;
- Keep 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);
- Record 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 required (for example, revised job safety analysis, new or different equipment, skills training, etc.);
- Report evidence that no child labor is involved;
- Training/induction dates, number of trainees, and topics;
- Details of any worker grievances including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken. Grievances listed should include those received since the preceding report and those that were unresolved at the time of that report;
- Sign the Manager's Code of Conduct (Annex 5.2) and/or the Individual Code of Conduct (Annex 5.3), as applicable.

MRD and DDIS are responsible for management and supervision of contractors' performance – as per PMU's contract with contractors. In particular, MRD/DDIS is responsible for overseeing the implementation of labor related provisions – as described in Contractor's work contract, project's LMP and Contractor's LMP.

12. PRIMARY SUPPLY WORKERS

Given the nature and scope of project' civil works (rehabilitation and construction of roads and bridges), the construction activities may require supply of construction material such as aggregates, bituminous materials, binders like lime, cement, and miscellaneous materials used as admixtures for improved performance of roads under increased traffic and flood resilience, and steels, etc.

Some contractors may be able to produce some of the construction materials using their own workforce. However, where the contractors procure 1) essential materials, 2) directly from primary suppliers for the core functions of the project, and 3) on an ongoing basis, the workers engaged by such primary suppliers are considered "primary supply workers" – as defined in the World Bank's ESS2. As discussed in Chapter 3 (Key Labor Risks), the OHS risks are also deemed to be generally significant in the construction sector including quarry sites where there is no functioning labor inspection mechanism. To address these potential risks, the following measures will be taken:

- **Selection of primary suppliers**

Before purchasing the material from a primary supplier, the Contractors need to conduct due diligence of the potential Primary Suppliers (those providing key materials for road construction, in particular raw materials) to ensure there is no forced or child labor involved with activities that produce materials for the project use. In conducting due diligence, the contractor should:

- Inform the Primary Supplier that the Contractor will not enter into contract with any primary suppliers that engaged forced or child labor;
- When possible, visit the company/factory, and interview key personnel about their working conditions, as well as conduct informal, random interviews with workers;
- Conduct secondary due diligence by collecting information from other parties who may be familiar with the primary suppliers. This is to make sure there are no reported instances of forced or child labor;
- If necessary, and when possible, engage the Ministry of Labor and Vocational Training to conduct due diligence of the potential supplier(s) to ensure no child labor or forced labor are involved;
- Prepare due diligence reports and submit to MRD;
- Includes specific requirements on child labor, forced labor and work safety issues in all purchasing contracts with primary suppliers.

- **Remedial process**

If child labor, forced labor and/or serious safety incidents are identified in relation to primary supply workers under the project, particularly when the supply of material is underway, MRD PMU and their Construction Supervision consultants will require the contractor to request their primary supplier to take appropriate necessary steps as remedial actions. Implementation of mitigation measures will be monitored periodically by Contractors to ascertain remedial actions taken by the primary supplier is on track. If the mitigation measures are found ineffective, MRD PMU will require the Contractors, within a reasonable period of time, change to other primary suppliers who are qualified.