

**Ministry of Finance (MOF)  
Through its Fiscal Policy Department  
(FPD)**

**The Lao PDR Public Financial  
Management Reform Project (P179016)**

**Draft**

**Labour Management Procedures (LMP)**

**March 7, 2023**

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## 1. Introduction

Labour Management Procedures (LMP) is required by WB's Environmental and Social Standard 2 (ESS2) to identify the main labour requirements and risks associated with a successful candidate project and to determine the resources necessary to address project labour issues. The LMP is a living document to be reviewed and updated throughout implementation of the Project. The LMP applies to all project workers, irrespective of contracts being full time, part-time, temporary or casual.

## 2. Use of Labour in the Project

LMP is an ongoing document and required to be reviewed and updated throughout implementation of the Lao PDR Public Financial Management Reform Project. The LMP applies to all Project workers, irrespective of contracts being full-time, part-time, temporary or casual. The WB ESS 2 defines four groups of project workers. These are direct workers, contracted workers, community workers, and primary supply workers. However, given the nature of the Project activities, only direct employees at the FPD and PIU consultants are anticipated and are included in the LMP. If other types of workers become relevant, the LMP should be extended to cover them in line with ESS 2 and the LMP will be reviewed and updated, accordingly. During the preparation stage, the Project expects to engage different types of workers as specified in Table 1 below.

Table 1: Project staffing need

Project component	Estimated number of project staff	Positions	Time of labour requirement
PIU	TBC	Civil servants from FPD and other departments within MOF and other line ministries	Throughout the project period
Project support staff and consultants	TBC	Consultants and supporting staff such as an ESF consultant. TA and other contracts will also be included.	Throughout the project period
Direct IT office staff	TBC	Contractor team engaged to build small offices and/or ICT centers repair/renovation	Project implementation
Contracted workers	TBC	Civil society, NGO or consultant staff may be hired to deliver training activities such as HIV/AIDs or Sexual exploitation and abuse (SEA)/ sexual harassment (SH) SEA/SH, or conduct additional assessments ideally in	Project implementation

The Project will make sure that no workers under 18 will be employed. Besides, with the nature of the Project, there will be no employment of local communities.

### 3. Assessment of Key Potential Labour Risks

This part of LMP provides potential risks in association with activities of the Project. As indicated in the main report body, the Project will not engage civil works. The Project will largely engage short- and medium-term employment of professional and expertise staff and their tasks are mainly office based in Vientiane Capital. [Labour](#) risks, excepting for COVID-19 related concerns (Annex 1), can be considered low, and largely related to office-related health and safety concerns from Project workers' daily travel to works and office conditions. Key activities and anticipated labour risks are listed in Table 2 below.

Table 2: Project potential labour risks

Project activities	Potential labour risks
General Project administration and implementation (loan review and processing)	<p>A non-exhaustive list of risks that may be relevant to the Project's implementation can include:</p> <ul style="list-style-type: none"> <li>• Exposure to people who could have COVID-19 and/or training;</li> <li>• Ergonomics;</li> <li>• Trip and fall hazards;</li> <li>• Workplace grievances (including harassment);</li> <li>• Fire;</li> <li>• Sedentary work;</li> <li>• Mental stress and fatigue;</li> <li>• Covid-19 transmission risks; and</li> <li>• SEA/SA risks for staff, especially women</li> </ul>
Collection and use of data	<ul style="list-style-type: none"> <li>• Sedentary work</li> <li>• Accidents or emergencies</li> <li>• Health and safety risks of workplace accidents and injuries, particularly for data user in connection with ICT and service facilities, workplace practice as interns or apprentices (for example the use of mechanical or electrical tools and equipment, handling of hazardous materials, and exposure to zoonotic diseases 10 when managing electronical materials).</li> <li>• Health and climate change risks of e-waste including used computers, batteries, electrical appliance, noise or emission of air or water pollutants, e-waste management, waste recycling, substitution of hazardous materials with non-hazardous materials, climate change risks, spread of diseases from workplace and personal hygiene, work-related accidents and injuries.</li> <li>• Covid-19 transmission risks</li> </ul>

	<ul style="list-style-type: none"> <li>• Risk of natural disasters</li> </ul>
Implementation of TA activities including trainings, meetings, workshops, etc.	<ul style="list-style-type: none"> <li>• Road travel to different places</li> <li>• Sedentary work</li> <li>• SH/SEA and VAC when designers and/or project consultations close to communities and/or within staff and/or participants in trainings</li> <li>• Covid-19 transmission risks if it spreads again</li> </ul>

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

This section of LMP presents key terms and conditions of Lao national labour legislations and how these regulations can be applied to different types of labour.

The key legislative documents related to labour issues in Laos are listed below:

- The Constitution of Lao PDR (2015) no. 63/NA dated December 8, 2015.
- Law on Social Security (Amended 2018), no. 54/NA, dated June 27, 2018.
- Law on Labour (Amended 2013), no. 43/NA, dated December 24, 2013.
- Law on Hygiene, Disease Prevention and Health Promotion (Amended 2011), no.08/NA, dated December 21, 2011.
- Law on Health Insurance (2018), no. 60/NA, dated December 13, 2018.
- Law on Civil Servants (2016), No. 023/NA, dated December 18, 2015
- Decree on the Ethics and Morals of Civil Servants (2019), no. 184/PM, dated June 26, 2019.
- Ministerial Agreement on Occupational Health and Safety in the Construction Site (2013), no. 3006/MLSW, dated August 21, 2013; and
- Guidelines on the Implementation of the Law on Social Security (Amended 2015), no. 2751/MLSW, dated July 24, 2015.

#### ***The Labour Law (2013)***

This law has been effective on 29 October 2014. The law defines non-discrimination in employment and wages. It requires employers to abide by the government minimum wage and working hours, which are limited to 8 hours per day and 6 days a week. The law is comprehensive and covers aspects of discrimination in the workplace, considering equal opportunities, gender equality, child labour, labour disputes and collective bargaining, amongst others. The law also sets out requirements of occupational health and safety (OHS) in the workplace for workers.

In terms of gender equality, Article 96 defines "Female employees have the right to employment and professions in every sector that do not conflict with the law, including production, business, and management, and may participate in training, labour skills improvement and providing expertise. Female employees shall receive a salary or wages equal to that of male employees, excepting some forms of work that has negative effects upon the reproductive health of women, which must be

protected in every case". As such, the PIU shall ensure equal job opportunities for men and women during implementation of the Project.

The Labour Law also sets out a provision on child labour. Article 101 of this law states "Employers may accept employees under the age of 18 years but not younger than 14 years; however, they are prohibited from working overtime. When necessary, the employer may accept and use youth employees under the age of fourteen, but not younger than twelve years, and must ensure the work is light work". In addition, Article 102 define that "Cases wherein the use of youth employees is prohibited are including (i) work in activities, duties and locations. In any cases, this article also defines that under-aged workers are prohibited from work that is unsafe, forced labour, work to pay off debts, human trafficking, and hazardous work. In the specific context of the Lao PDR Public Financial Management Reform Project, no persons under the age of 18 will be employed in the PIU and contracted works.

Article 33 of the law adds that "promotion of occupational freedom, working from the home, and the hiring of disadvantaged persons, women, disabled persons, or the elderly".

#### ***The Law on Civil Servants (2016) and Decree on Code of Conduct for Civil Servants (2019)***

These legislative documents align with ESS2 and applicable for the Lao PDR Public Financial Management Reform Project (P179016). The Civil Servant Law and Decree on Code of Conduct include provisions and measures to manage, prevent, and address misbehaviours and misconduct of civil servants. Government agencies, especially the Ministry of Home Affairs (MOHA), have a role to monitor and evaluate the project employment activities in compliance with these regulations. These regulations also cover restrictions of child labouring.

#### ***Law on Social Security (Amended 2018)***

This law defines the principles, rules and provisions for the organization, implementation, management, monitoring, and inspection of social security affairs with a view to make it systematic, strengthened, and effective for better protecting rights and interests of employers and employees who contribute to the Social Security Fund, and receive social security benefits, as well as to assure livelihood improvement, social solidarity, and national socio-economic development.

#### ***Law on Health Insurance (2018)***

This law defines principles, regulations, and measures concerning the management and utilization of the national health insurance scheme in an appropriate manner and in consistent with the rules of law to ensure the access to health care services of insured individuals, including all ethnic groups thoroughly and equitably. The law aims to promote and protect good health for all workers and improve labour force to contribute to the protection and development of the nation.

In addition to the national regulatory frameworks, Laos has ratified international ILO treaties and conventions as listed in Table 3 below.

Table 3: Relevant international conventions on Labour

No	International Convention	Date	Status
1	Forced Labour Convention, 1930 (No. 29)	23 Jan 1964	In force
2	Equal Remuneration Convention, 1951 (No. 100)	13 Jun 2008	In force
3	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	13 Jun 2008	In force
4	Minimum Age Convention, 1973 (No. 138)	13 Jun 2005	In force
5	Worst Forms of Child Labour Convention, 1999 (No. 182)	13 Jun 2005	In force

Based on reviews and comparison of national regulations on labour and ESS2, there are some gaps, which can be summarised in the table below.

Table 4: Gap analysis on the law on labour vs ESS2 requirements

ESS2 requirement	Law on labour	Key gap	Comment	Measures
Terms and conditions of employment	<ul style="list-style-type: none"> <li>An employment contract is an agreement between an employee and an employer or between an employee representative and an employer representative regarding conditions of work, salary or wages, welfare, and other policies (Article 75).</li> <li>Employment contracts may take two forms that includes verbal or written (Article 77).</li> </ul>	There are no major gaps. However, verbal form of contract is not a good practice and not formally recognized under ESS2 as it can be changed and violated by either party (employer and employees) without any written evidence and official references.		Project direct workers will have clear terms and conditions of employment. Contractors to be required to comply with Labour Law provisions. The project will ensure that no workers of any type are under 18 years. There will be no community workers engaged on the Project.
Non-discrimination and equal opportunity	Operations based on an employment contract between the employee and the employer, ensuring both parties benefit without discrimination (Article 5) Obstructing employment or using direct or indirect force to make an employee stop work due to marital status, gender discrimination, or infection of HIV (141).	No major legislative gaps identified	No clear enforcement mechanism	<ul style="list-style-type: none"> <li>Non-discrimination and equal opportunity to be applied to employment of project direct workers.</li> <li>Fair and non-discriminatory employment practices to be required for contracted workers.</li> </ul>
SEA/SH	Regulations in Laos exist to protect the rights of women, violence against women and children.	No clear enforcement mechanism Lack of service providers	Cultural barriers may prevent reporting of SEA/SH. Lao Women's	Workers will be informed about GBV-SEA/SH and relevant GRM related to SEA/SH upon their recruitment. <u>The PIU will develop the Staff Code of Conduct, including SEA/SH, for all project employees (see Annex 5). All</u>



			Union is an important counterpart given their role in the villages.	<u>staff will be required to sign this code of conduct. (i)</u>
Prevention / restriction of child labour	Employers may accept employees under the age of 18 years but not younger than 14 years; however, they are prohibited from working overtime. When necessary, the employer may accept and use youth employees under the age of 14, but not younger than 12 years, and must ensure the work is light work. (Article 101) Cases wherein the use of youth employees is prohibited are including (i) work in activities, duties and locations that are unsafe, dangerous to the health of the body, psychology or mind; (ii) forced labour; (iii) work to repay debts; (iv) human trafficking; (v) trade or deception into the sex industry or solicitation of prostitution, photography or pornography; and (vi) trade or deception into the movement and production, transportation, possession of narcotics or addictive substances" (Article 102).	ESS2 does not allow workers under 14 years (unless the national law specifies a higher age). Para 17-19 details specific requirements for workers under 18 years (and above 14/higher minimum age), including that they are not engaged in hazardous work or that the work interferes with a child's education, health or development. ILO12 (2014) notes that prohibitions on child labour apply only in formal employment, whereas most child workers work in non-formal agriculture.	Employment of children working in farming alongside with parents is culturally accepted in Laos.	<ul style="list-style-type: none"> <li>The project does not involve civil work, it will ensure that no child under 18 years involved in project activities through repair works and/or data collection and dissemination work by adding pre-condition for engaging a contract/employee.</li> <li>Age of employees to be verified and monitored as part of contract supervision. Suppliers to certify non-use of child labour, with verification measures in high-risk sectors.</li> </ul>

**Commented [TKK1]:** Annex 6 is not found. Please discuss on Code of Conduct of SEA/SH.

**Commented [k2R1]:** Kanya has added Annex 5-Staff Code of Conduct

Rights to organise	Section XIV Tripartite Organizations, that includes the labour administration agency, agencies representing employers, agencies representing employees and bargaining and collective labour contracts.	No major gap	Lao's trade unions are prominent in government organization but not common in other sectors.	GRM will be available to workers and can be used for example to submit complaints if workers are denied their right to organize.
Prevention of forced labour	Unauthorized use of forced labour (Article 59).	No gaps		Forced labour, including debt bondage, is prohibited in any form.
Grievance mechanism	Section XIII Resolution of labour disputes was not specifically mentioned for the mechanism. According to Article 148 - resolution of labour disputes will be undertaken according to the following methods: 1) Compromise, 2) Administrative resolutions. 3) Resolution by the committee for labour dispute resolution; 4) Court rulings; and 5) Dispute resolution consistent with international protocols.	The national legislation does not guarantee workers' access to a grievance mechanism.		Project to assign one ESS supporting staff for <a href="#">PIU</a> to track and monitor the process of worker grievance mechanism. Project will evaluate and report on implementation of the mechanism. Project will include GRM in each biannual report and present to Implementation Support Missions (ISM).
Identification of potential hazards	<ul style="list-style-type: none"> <li>Labour occupational health and safety is a joint activity between the employer and the employee in the assurance of occupational safety and health in the workplace, including risk assessment of the work environment, appropriate measures for reducing hazards</li> </ul>	Mostly consistent	Enforcement of safety standards is weak, in the informal and construction sectors.	The project will provide pre-conditions for a contract to avoid, not include hazardous waste in their proposal. The project will also screen and check for hazardous wastes as it has measures in place in the ESMP with procedures to establish occupation, health, and safety risk assessment

	and risks (Article 117). • The employer must inspect and assess risks to safety and health within the labour unit and workplace regularly (Article 122).			and mitigation measures.
Provision of preventive and protective measures	Article 119 - Obligations of the employer for the protection of labour safety and health	No major gaps		Strategy built for direct project staff in Occupational, Health and Safety (OHS) Workplace safety measures for contract workers under the requirements on Environment, Social, Health and Safety (ESHS) as part of LMP.
Training of workers and maintenance of training records	Not clearly listed safety training, are mentioned	Requirement for safety training is not clearly spelled out in the national law.		LMP require adequate safety training for all staffs/workers Project will establish a record system of capacity building/training for its staff, include PMU, and for its short term contractors/employee through project period.
Documentation and reporting of occupational accidents, disease and incidents	Whenever an accident occurs within a labour unit that causes the employees to take time off work for four or more days, the employer must record the cause of the accident in detail and report it to the labour Administration Agency (Article 125).	ESS2 requires reporting procedures.		All workplace health and safety incidents to be recorded in the Grievance Tracker Logbook (see Annex 4). Minor incidents and near misses should be reported to <a href="#">LSBPIU</a> and WB on a monthly basis; serious incidents should be reported immediately. This will be included in the staffs/service contracts.
Emergency Preparedness	Not specifically mentioned	Emergency Preparedness response measure is not		All worksites need to have health and safety plan including emergency plan

		specifically mentioned in the national law		(see Annex 2—Incident Report Form, which can be used).
Remedies for adverse impacts	Employers need to maintain the workplace, safety systems, environment and atmosphere when working to ensure good conditions for the health of the employees; and provide appropriate facilitation of welfare for employees in the workplace (Article 119).	Largely consistent except the requirement for safety training and Emergency Preparedness response measure.		All workers to be insured for occupational hazards including relating to Covid-19 transmission at the workplace. This will be included in the staffs/service contracts.

## 5. Overview of Labour legislation: Occupational health and Safety

This section provides a legislative discussion on OHS measures, which are required for the Project. The different categories of workers identified in Section 2. There are three key Lao labour legislations in relation to OHS. These are the Law on Labour, Law on Hygiene, Disease Prevention and Health Promotion, and Ministerial Agreement on Occupational Health and Safety in the Construction Site. These regulations are consistent with the WB ESS 2 requirements (paragraphs 24 to 30).

In compliance with relevant Lao regulations and the WB ESS 2, the Project will ensure:

- Good workplace health and safety standards, including but not limited to: (1) basic safety awareness training (as well as on COVID-19 prevention and related measures) to all persons and (2) Adequate provision of hygiene facilities (toilets, hand-washing basins, and sanitizer) separated by gender as needed and with distancing guidelines in place;
- Proper recording of all workplace-related health and safety incidents, including details of the types of incidents, injury, people affected, time/place and measures taken, including COVID-19 cases in the workforce, which should be reported to FPD and the World Bank in a timely manner;
- Provision of insurance package to all workers (irrespective, where relevant, of contracts being full-time, part-time, temporary or casual) against occupational hazards and COVID-19 pandemic, including ability to access medical care and take paid leave if they need to self-isolate as a result of contracting COVID-19;
- Introduction of fair and non-discriminatory employment practice and conditions;
- Availability of adequate PPEs in good condition in accordance with national and international standards as suitable to the task and hazards of each worker, without cost to the worker;
- Avoidance of forced labour or employment of children under the age of 18 under any circumstances through direct or indirect contracts;
- Awareness of all employees of their rights under the Lao Labour Law, including the right to organise;
- All employees' awareness of their rights to submit or lodge grievances through the established Grievance Redress Mechanism;
- Prohibit the use of addictive substances or drink, or any mind-altering substances in or around the workplace;
- Regular inspection and evaluation of OHS measures and working environments, and countermeasures for any that are inappropriate, at least once per year; and

- Hold training on basic OHS knowledge, protection from occupational diseases, including HIV, for the employees at least once per year.

Additional measures shall also be taken in compliance with WHO guidelines on COVID-19 if there is reoccurrence of the pandemic.

In addition, the Project will pay close attention to SEA/SH issues. The project can apply Lao national legal and policy frameworks such as: 1) The Law on Women's Protection and Development (2015), 2) National Strategy on Women's Advancement, (2011-2015), 3) National Action Plan on Eliminating Violence against Women and Children (2015), and National Plan on Gender Equality (2016-2020). While there are not specific discussions on SEA/SH, the Law on Women's protection and Development defines different forms of violence against women and children such harassment, discrimination, disadvantage, threat, abuse, kidnapping, intimidation, hostile, offense, and assault. The law provides some measures in response to SEA/SH. These include, but not limited to, awareness raising about violence against women and children, advancement of women and gender equality, and provision of assistance to victims of SEA/SH.

In the World Bank's procurement, borrowers and contractors are required to train their staff regarding SEA/SH and monitor its implementation in accordance with the contract provision. put in place an ethical and safe process for receiving, investigating, and addressing allegations of SEA and/or SH from the Contractor's or Borrower's personnel or any other person including third parties, and inform personnel at the time of engagement of the response mechanism and measures. The Project should protect against any reprisal for its use and provide induction and training on prevention of SEA/SH.

## **6. Responsibility**

This section provides the information regarding individuals and agencies that will be responsible for implementing LMP of the Project.

FPD, through its PIU, is the implementing agency of the Project and will be responsible for the engagement of direct and indirect workers in compliance with labour and work conditions, which are discussed in Section 4 and 5 above. FDP will address all LMP issues as part of its human resources management. FDP will also be responsible for overseeing all aspects of implementation of the Project, including the management and monitoring of OHS of project staff.

In addition, FDP will maintain day-to-day compliance with specified health and safety measures and records of any incidents/accidents. Minor incidents and near misses should be reported to FDP/PIU on a monthly basis meanwhile serious incidents

should be reported immediately (See Annex 2: Incident Report Form). Minor incidents should be included in the quarterly reports to the World Bank, and major issues should be flagged to the World Bank immediately.

For effective monitoring and management of occupational health and safety concerns, the project will also apply a grievance redress mechanism (GRM), which is prepared in Section 10 below, to address worker grievances. The Contractors will be required to implement the mechanisms, which are part of requirements in this LMP. FPD will review records of grievances on a monthly basis. FPD will also keep complaints and resolutions and reflect in quarterly reports to the World Bank.

The Project will also require FPD and all workers and contractors to:

- Comply with local driving and road safety rules and regulations;
- Continually improve the OHS management system and performance;
- Communicate this policy statement to all persons working on the Project with emphasis on individual OHS responsibilities;
- Wear PPE as suitable to the task and hazards of each worker, without cost to the worker, especially Covid-19 related-PPE as necessary;
- Be responsible for implementing COVID19 measures as part of their contract, through explicitly mentioning it in bid documents and contracts;
- Provide SEA/SH training to all staff members;
- Put in place processes for project workers to report work situations that they believe are not safe or healthy and to remove themselves from situations they have reasonable justifications to believe are unsafe;
- Ensure availability of first aid boxes in all work locations;
- Provide employees with access to toilets for men and women;
- Properly dispose of solid waste and E-waste at designated permitted disposal/landfill sites; and
- Make this policy statement available to all interested parties.

## **7. Policies and Procedures**

FPD shall incorporate standardized environmental and social clauses in the processes of hiring consultants and in tender documentation of contractors. This is to ensure potential bidders and consultants to be aware of environmental and social requirements, of which they shall comply with during their contract period. FPD will monitor and evaluate performance of consultants and contractors in compliance with these clauses.

The Project shall also ensure that all documentation related to environmental and social management, including the LMP, can be available for contractors and consultants for inspection at any time by FPD.

Concerning the OHS measures associated with project activities listed in Table 2 above, this section sets out guidelines to ensure that appropriate OHS concerns and responsible agencies (see Table 5) are incorporated into the project implementation.

Table 5: Health and safety requirements for project workers

Step	Responsible
Assessment of health and safety risks and hazards from the project implementation. Followings are key potential health and safety risks and hazards associated with the project activities: <ul style="list-style-type: none"> <li>•Traffic accidents and hazards associated with daily travel of project workers;</li> <li>•Mobilization of equipment and manpower;</li> <li>•Electrocution and injured from office renovation and ICT infrastructure installation and operation;</li> <li>•Injures (cut and burn) from handling of E-waste;</li> <li>•Health risks from inadequate handling of waste.</li> </ul>	PIU
Identification of legal requirements and responsibilities for health and safety at the workplace: <ul style="list-style-type: none"> <li>•The specific guidelines on environmental, health, and safety (EHS) established by the World Bank and existing relevant health and safety guidelines, if any, by the project implementing organizations.</li> </ul>	As above
Identification of risk mitigation measures that the employer shall implement: <ul style="list-style-type: none"> <li>• The project employees and other stakeholders involved in the project implementation shall carry out the OHS control in accordance with the relevant mitigation measures outlined in Section 6 above.</li> </ul>	As above
Identification of training needs for the employees: <ul style="list-style-type: none"> <li>• General housekeeping and tidiness;</li> <li>• COVID-19 prevention measures;</li> <li>• Signage (e.g., hazard signs, what PPE to wear at the specific site, emergency evacuation routes, emergency call numbers) and markings (e.g., yellow lines to mark hazardous areas);</li> <li>• Fire extinguisher; and</li> <li>• First aid kits</li> </ul>	As above
Identify appropriate PPEs that project employees would need when working at the workplace: <ul style="list-style-type: none"> <li>• Follow the health and safety instructions provided in Section 6.</li> </ul>	As above



Carry out a regular inspection to ensure proper implementation of health and safety prevention and protection measures	As above
Incorporate the required risk prevention or mitigation measures, and the training needs in the agreement with the employer	As above

## 8. Age of Employment

The Project shall not employ persons below the age of 18 years old to carry out any tasks of the Project. This rule will apply for both national and international workers.

## 9. Terms and Conditions

In addition to all terms and conditions as outlined in the ESS 2 (see paragraphs 9 to 30) applying to direct workers. The Project shall consider following requirements:

- In line with the Lao national Labour Law, the maximum working hours are limited to 8 hours per day and 6 days a week unless there is additional payment of overtime.
- The compensation packages will be defined in employee contracts. The Project shall ensure salaries for project employees will not be lower than the minimum wage of Lao PDR.
- Employment opportunities will be available to all. This includes equal pay for equal work or for same types of position, regardless of whether the person performing the work is male or female.
- All workers of PIU and individual consultants under the Project are entitled to insurance against occupational hazards, including ability to access medical care and take paid leave if they need to self-isolate as a result of contracting COVID-19.
- Provisions of the Labour Law must be followed, including maternity leave for females if applicable.

Also, the Project shall ensure the employment contract shall be provided to workers writing and incorporating the following provisions:

- The term of the labour contract;
- Work content;
- Labour protection and working conditions;
- Remuneration for labour;
- Labour discipline;
- Conditions for termination of the labour contract;
- Responsibility for breach of labour contract;
- Individual Staff Code of Conduct; and
- Grievance Redress Mechanism.

## 10. Grievance mechanism

This section discusses details of the GRM for the Project. The details will be provided for direct and contracted workers and describes how project staff members will be aware of the GRM.

This GRM will be introduced to all workers of the Project and the GRM in this LMP is slightly different from the ones in the SEP. This GRM is designed to ensure appropriate approaches of addressing concerns or complaints of contracted workers who mostly work at their offices in Vientiane. The GRM covers documenting and recording processes of complaints and concerns, including timing for resolution of complaints. All Project workers will be informed of this GRM in compliance with the requirements of ESS 2. Three main steps of the GRM in this LMP are proposed as follows:

- First step, a complainant reports his/her grievance in person in different ways such as by phone, text message, mail or email (including anonymously if required) to their direct supervisor or manager as the initial focal point for information and raising grievances. If the reported complaint is satisfactorily resolved, the incident and resultant resolution will be logged and reported to the E&S person of PIU of the FPD. Although the complaint is resolved, PIU will make sure that the resolved concerns will be recorded in the Grievance Tracker Log of the Project.
- In the second step, if the complainant is not satisfied, the Supervisor (or the complainant directly) will refer the complaint to the human resource division/department within FPD or MOF. The division/department will resolve the complaint and inform the complainant as promptly as possible, especially if the complaint is urgent and serious and may cause harm to the complainant. If the complaint was satisfactorily resolved by the division/department, the incident and resultant resolution will be logged and reported to the E&S Focal Point of FP. However, where the complaint has not been resolved, the E&S Focal Point will further refer to the management of FPD for further action or resolution.
- Third step, if the complaint remains unresolved or the complainant is not satisfied with the outcome of grievance redressal arranged by FDP, the complainant may refer the matter to the Lao relevant court at the complainant's own expense. A decision of the Court will be final.

Each grievance will be recorded and allocated a unique number or code. Complaint feedback records (letter, email, record of conversation) should be stored together, electronically or in hard copy. The PIU will be responsible for undertaking a regular

(at least monthly) review of all grievances to analyze and respond to any common issues arising. The PIU and the FPD are responsible for oversight of the GRM.

For recording and documentation purposes, the Project can use Grievance Form (Annex 3) and Grievance Tracker logbook (Annex 4) if there is not an existing process.

## **11. Capacity Building**

While the provisions outlined in this LMP are mostly consistent with the Labour Law (2013) of Lao PDR, with only limited additional provisions (for example, the Worker Grievance Redress Mechanism) to meet the requirements of ESS 2, the LMP considerably exceeds actual practice in labour management in Lao PDR. In this regard, the Project will provide training and simple awareness raising materials to project staff members and potential suppliers to ensure that they meet the requirements of the law and ESS 2. Key project personnel who will require training include:

- Human resources staff or administration staff responsible for recruitment of direct project workers in PIU;
- Procurement staff in FPD;
- Relevant staff of MOF,
- Staff and consultants acting, and
- ES focal person and team

The PIU will also prepare a simple booklet in Lao language and with easy-to-understand illustrations, explaining the requirements of the LMP as applicable to contracted workers. The booklet will include details of the Worker Grievance Redress Mechanism. This booklet will be disseminated to all project direct workers, including during the LMP training.

In addition to distribution of the above-mentioned booklet to all project workers, to ensure effective implementation of the LMP, ES focal person will provide trainings or inductions on OHS and SEA/SH to all project workers with LMP-related topics, at least on safe working environments, gender equality in employment opportunities, SEA/SH, and grievance mechanisms.

**Annex 1:**  
**Infection and Prevision Control Protocol**

**WORK AND OFFICE SETTINGS**

**1. Minimize Chance of Exposure (to staff, other contractors, and visitors)**

- Upon arrival, make sure persons with symptoms of any respiratory infection to a separate, isolated and well-ventilated section of the facility to wait, and issue a facemask,
- During the visit, make sure all persons adhere to respiratory hygiene, cough etiquette, hand hygiene and isolation procedures. Provide oral instructions on registration and ongoing reminders with the use of simple signs with images in local languages, and
- Provide alcohol-based hand sanitizer (60-95% alcohol), tissues and facemasks in waiting rooms and patient rooms.

**2. Adhere to Standard Precautions**

- Train all staff and volunteers to undertake standard precautions - assume everyone is potentially infected and behave accordingly, and
- A decision to stop isolation precautions should be made on a case-by-case basis, in conjunction with local health authorities.

**3. Training of Personnel**

- Train all staff and volunteers in the symptoms of COVID-19, how it is spread and how to protect themselves. Train on correct use and disposal of personal protective equipment (PPE), including gloves, gowns, facemasks, eye protection and respirators (if available) and check that they understand, and
- Train cleaning staff on most effective process for cleaning the facility: use a high-alcohol based cleaner to wipe down all surfaces; wash instruments with soap and water and then wipe down with high-alcohol based cleaner; dispose of rubbish by burning etc.

**4. Manage Visitor Access and Movement**

- Establish procedures for managing, monitoring, and training visitors.
- All visitors must follow respiratory hygiene precautions while in the common areas of the facility, otherwise they should be removed.
- Restrict visitors from entering rooms of known or suspected cases of COVID-19 patients. Alternative communications should be encouraged, for example by use of mobile phones. Exceptions only for end-of-life situation and children requiring emotional care. At these times, PPE should be used by visitors.
- All visitors should be scheduled and controlled, and once inside the facility, instructed to limit their movement.
- Visitors should be asked to watch out for symptoms and report signs of acute illness for at least 14 days.

## Annex 2: Incident/Accident Report Form

Date of the Accident: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Type of Accident: \_\_\_\_\_

Detailed Description of the Accident: \_\_\_\_\_

\_\_\_\_\_

Responses / Corrective Actions Taken: \_\_\_\_\_

Possible Causes(s) of the Accident: \_\_\_\_\_

\_\_\_\_\_

Suggested Preventive Measures: \_\_\_\_\_

\_\_\_\_\_

Submitted by: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

### Annex 3: Form to Submit Grievances

Grievance Form ID Number: \_\_\_\_\_ Date Received: \_\_\_\_\_

Complaints Received by (please check (√) the appropriate box):

☐ FPD ☐ PIU ☐ Hotline

Complaint made via (please check (√) the appropriate box):

☐ In person ☐ Phone ☐ E-mail ☐ SMS ☐ Website ☐ WhatsApp

☐ Messenger ☐ Facebook ☐ Hotline

☐ Complaint Box / Other advice ☐ Community/Village Meeting

☐ Others \_\_\_\_\_

Full name and last name of complainant (or Anonymous):

Gender: ☐ Male ☐ Female Age: \_\_\_\_\_

Contact details (by post, by telephone, by e-mail, SMS, WhatsApp, Messenger, Facebook):

Details of grievance (Reason for complaint and activity leading to complaint. Please include as much details as possible to answer the following questions:

(i) what happened, (ii) when it happened, (iii) who did it happened to, (iv) what was the impact of what happened)

Remedy requested by complainant:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For admin use only:

Grievance ID \_\_\_\_\_ Registration location:

Grievance Received by: Name and surname

\_\_\_\_\_ Date: \_\_\_\_\_

Action taken or required next steps:

#### Annex 4: Monthly Grievance Tracker Logbook

No	Status	Details of complainant				Resolution	
		Name	Date	Complaint issues	Contact details	Action proposed	Action taken
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002							
003							
004							
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## **Annex 5: Staff Code of Conduct (ICoC)**

**Instructions:** This Staff Code of Conduct should be included in hiring documents for project employees.

I, \_\_\_\_\_, acknowledge that adhering to environmental, social, health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, SEA/SH, and preventing Violence Against Children (VAC) and Gender Based Violence (GBV) is important.

An employee considers that failure to follow ESHS and OHS standards, or to partake in activities constituting, SEA/SH and VAC or GBV—be it in offices, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution by the Police of those who commit SEA/SH and GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- a. Attend and actively partake in training courses related to ESHS, OHS, COVID-19 prevention, SEA/SH, VAC and GBV as requested by my employer.
- b. wear my personal protective equipment (PPE) at all times when engaged in project related activities, in particular if related to exposure to COVID-19.
- c. follow all prevention measures relating to COVID-19, including (i) washing hands with water and soap before and after eating, when entering my work area, after sneezing/coughing, etc.; (ii) sneeze or cough on elbow and/or wash hands after sneezing/coughing; (iii) if feeling unwell or have symptoms of a cold, flu or any respiratory illness, inform manager immediately, stay at home and do not come to work.
- d. Take all practical steps to implement the environmental and social management framework (ESMF).
- e. Implement OHS measures.
- f. Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances which can impair faculties at all times.
- g. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.



- h. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- i. Not sexually exploit or abuse other project employees and others.
- j. Not engage in sexual harassment of work personnel and staff—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is prohibited: i.e. looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; in some instances, giving personal gifts.
- k. Not engage in sexual favors—for instance, making promises of favorable treatment (i.e. promotion), threats of unfavorable treatment (i.e. loss of job) or payments in kind or in cash, dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
- l. Not participate in sexual contact or activity with children under the age of 18—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- m. Unless there is the full consent<sup>1</sup> by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex (including prostitution). Such sexual activity is considered “non-consensual” within the scope of this Code.
- n. Consider reporting through the GRM or to my manager any suspected or actual GBV by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With respect to children under the age of 18:

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<sup>1</sup> Consent is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.

- o. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- p. Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography.
- q. Refrain from physical punishment or discipline of children.
- r. No hiring of children for any project activity (no persons under the age of 18).

### **Sanctions**

I understand that if I breach this Staff Code of Conduct, my employer will take disciplinary action which could include:

- s. Informal warning;
- t. Formal warning;
- u. Additional Training;
- v. Loss of up to one week's salary;
- w. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months;
- x. Termination of employment;
- y. Report to the Police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I will adhere to the occupational health and safety management plan. That I will avoid actions or behaviors that could be construed as SEA/SH and VAC or GBV. Any such actions will be a breach this staff Code of Conduct. I do hereby acknowledge that I have read the foregoing Staff Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, SEA/SH, VAC or GBV issues. I understand that any action inconsistent with this Staff Code of Conduct or failure to act mandated by this Staff Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_