

LABOUR MANAGEMENT PROCEDURE



d'madd

Digital Maldives for
Adaptation, Decentralization
and Diversification



**Ministry of Homeland Security
and Technology**



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EXECUTIVE SUMMARY

The Labor Management Procedure (LMP) for Digital Maldives for Adaptation, Decentralization and Diversification - aims to support Maldives' intentions to use digital technologies to decentralize, diversify and to adapt to climate change. The Project Development Objective (PDO) is to enhance the enabling environment for the digital economy in Maldives, to improve identification for in-person and remote service delivery, and to leverage data and analytics for a green, resilient and inclusive development. It is designed around three components and the proposed activities are conceived following the country's priorities and funding needs in the medium term: (a) to develop the enabling environment for a digital economy; (b) to use digital technologies and shared data platforms to enhance and accelerate adaptation, economic diversification, and decentralization strategies and measures; and (c) project management and implementation support.

The LMP identifies the key risks for the project based on context of the Maldives, including poor labor and working conditions, especially in relation to foreign workers; discrimination of foreign work-force; lack of documentation of immigrant workers; occupational health and safety risks; lack of preparedness for fire incidents and other emergencies, ineffective safety measures while traveling by sea; and sexual harassment in work-place.

The main national laws and regulations that are relevant to the project are described in the LMP, along with the pertinent clauses in each. The Employment Act, the Health and Safety Regulation for the Construction Industry, the Prevention of Sexual Harassment Act, the Gender Equality Act, the Maldives Pension Act, and the Regulation on Employment of Expatriates in the Maldives are some of these regulations. Furthermore, included are the Conventions of the International Labor Organization (ILO) that the Maldives has ratified.

In Section 5, the LMP presents the policies and procedures that will be in place to ensure that the risks identified in this LMP are addressed during project implementation. Making sure that all foreign workers are employed with valid work visas and providing the necessary accommodations, rest areas, etc. are some of the crucial elements that have been identified. are available at labor camps; fire safety equipment is readily available; workers' contracts contain provisions pertaining to working hours, breaks, and leave, as specified by the Employment Act; there is a mechanism in place to address workplace sexual harassment; and suitable safety measures are available when traveling by sea. Furthermore, the LMP stipulates that all workers hired for the project must be at least eighteen years old, that the maximum number of hours worked per week cannot exceed forty-eight, that employees are entitled to 30-minute breaks from work after every five hours worked during working hours, and that non-discrimination policies will be adhered to when hiring, training, and other processes are carried out. of employees.

The grievance redress mechanism (GRM), which handles employee complaints from both direct project workers and contracted workers, is described in Section 6 of the LMP. The Permanent Secretary of the Ministry is the first tier of GRM for direct workers, with the Labor Relations Authority in second place and the judiciary in third. Tier 1 is designated as the person tasked with handling complaints pertaining to contracted workers, with the Labor Relations Authority and the Judiciary following suit.

Section 07 of the LMP defines the implementation responsibilities of the LMP. The main project-related responsibilities fall under the categories of project management specialist, environmental and social specialist, communications specialist, legal specialist, and procurement specialist.

1. INTRODUCTION AND PROJECT BACKGROUND

The Project – Digital Maldives for Adaptation, Decentralization and Diversification - aims to support Maldives' intentions to use digital technologies to decentralize, diversify and to adapt to climate change. The Project Development Objective (PDO) is to enhance the enabling environment for the digital economy in Maldives, to improve identification for in-person and remote service delivery, and to leverage data and analytics for a green, resilient and inclusive development. It is designed around three components and the proposed activities are conceived following the country's priorities and funding needs in the medium term: (a) to develop the enabling environment for a digital economy; (b) to use digital technologies and shared data platforms to enhance and accelerate adaptation, economic diversification, and decentralization strategies and measures; and (c) project management and implementation support

COMPONENT 1 - ENABLING ENVIRONMENT FOR DIGITAL CONNECTIVITY, DATA, AND SERVICES

To foster the Maldives' digital transformation, solid legal and regulatory foundations are needed to create trust in digital services and transactions and to promote affordable, quality Internet access. Strong legal and institutional frameworks are instrumental for building a dynamic, resilient, and inclusive digital economy and to ensure that as more and more services, transactions, and data move online, associated risks are also adequately mitigated. Investments in improved regulatory capacity and infrastructure such as an Internet Exchange Point (IXP) will contribute to a more competitive telecommunications market that can deliver faster Internet speeds at lower costs, ultimately enabling more people to get online and to take advantage of a broader range of digital products and services. In parallel, interventions to strengthen the legal frameworks and institutional capacity related to data protection, cybersecurity, e-transactions, and identity management will help foster and maintain trust and security in digital transactions and services. This, in turn, is key for the public and private sector to be able to offer a wider range of services and transactions online, so that people across the Maldives can access more services and opportunities without having to visit an office or branch – which may be located in many islands and hundreds of kilometers away – in person.

COMPONENT 2 – DIGITAL SOLUTIONS AND DATA FOR SERVICE DELIVERY AND CLIMATE CHANGE ADAPTATION

This component will support the modernization and scale-up of existing digital assets to improve service delivery and the use of new digital solutions to leverage data more effectively for climate change adaptation and beyond.

COMPONENT 3 – SHARED DATA PLATFORM FOR CLIMATE RESILIENCE AND AGILE CLIMATE ACTION

Component 3 will support the establishment a shared data platform to enhance data-driven policymaking and more responsive service delivery through the improved availability of data and analytics for climate-relevant and environmental indicators and trends. The data platform will directly contribute to the implementation of adaptation and mitigation measures in the NDC and enable government and businesses to adapt operations and service delivery more rapidly and effectively to changing conditions. Activities will focus on establishing the necessary data infrastructure for a data

repository and gathering and migrating existing data within the Ministry of Tourism and Environment (MoTE) to the platform, to be complemented with data collected by different public and private sector entities and with data collected through novel approaches to be piloted by MoHST. The platform will include an analytics layer, including a GIS system, and a user interface layer in the form of a portal and a dashboard for distributing services, analytics, and data (see Figure X below). Core indicators to be collected and analyzed will include meteorological and other biodata related to climate adaptation and mitigation.

COMPONENT 4 – PROJECT MANAGEMENT AND IMPLEMENTATION SUPPORT

The Project will support the creation of a dedicated Project Management Unit (PMU) in Ministry of Homeland Security and Technology (MoHST). The MoHST has already established a Special Project Management Unit to expedite the implementation of the Digital Development Action Plan in line with the National Resilience and Recovery Plan. The PMU will be responsible for overall project management and coordination, procurement, financial management, citizen engagement and Interactive Beneficiary Mechanism (IBM), environmental and social safeguards, monitoring and evaluation, and communication. This component would also provide support to finance project management related issues including project coordination, financial management, and citizen engagement, and will provide support through office equipment, incremental operating costs, and audits. The project will emphasize gender equity in recruitment and retention by ensuring inclusion of women in all decision-making bodies under the project.

2. OBJECTIVE OF THE LABOUR MANAGEMENT PROCEDURE

This Labour Management Procedure (LMP) is developed for the project to meet the requirement of Environmental Social Standard 2 (ESS2) Labour and Working Conditions of the World Bank's Environmental and Social Framework. The main objective of this ESS2 are as follows:

- To promote safety and health at work.
- To promote the fair treatment, nondiscrimination and equal opportunity of project workers.
- To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.
- To prevent the use of all forms of forced labor and child labor.
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- To provide project workers with accessible means to raise workplace concerns.

According to ESS2 paragraph 09, borrowers must create and execute labor management procedures (LMP). The labor requirements and project risks are identified in the LMP. It is anticipated that important elements of the LMP will be included as contractual obligations of investors, contractors, and subcontractors, and that the LMP and the procurement documents will communicate with one another

The present document is structured into several major sections, including an overview of the project's labor use, an assessment of the main labor risks, a brief summary of labor legislation, policies and procedures, responsible staff, age of employment, terms and conditions, grievance mechanism, and contract management.

3. OVERVIEW OF THE LABOUR USE OF THE PROJECT

As per ESS2, project workers can be defined into the following four areas:

1. Direct workers: people employed or engaged directly by the Borrower (including project proponent and project implementing agencies) to work specifically in relation to the project.
2. Contracted workers: people employed or engaged through third parties to perform work related to core functions of the project regardless of the location
3. Primary supply workers: people employed or engaged by the borrower's primary suppliers.
4. Community labour: people engaged and employed in providing community labour.

For DMADD project overall, it will be direct workers and contracted workers who are applicable as per ESS2. As per paragraph 09 of ESS2, labour management procedures should be developed and implemented for direct workers and contracted workers of the project. Thus, the procedures identified in this LMP applies to direct workers and contracted workers.

3.1 PROJECT DIRECT WORKERS

As for ESS2 definition project direct workers are those who are directly engaged by the borrower for implementation of the project. For the key functioning of the project it is important for the borrower to employ staff to carry out key project management functions. Figure-1 below shows the key staff that will be employed for the efficient functioning of the PMU.

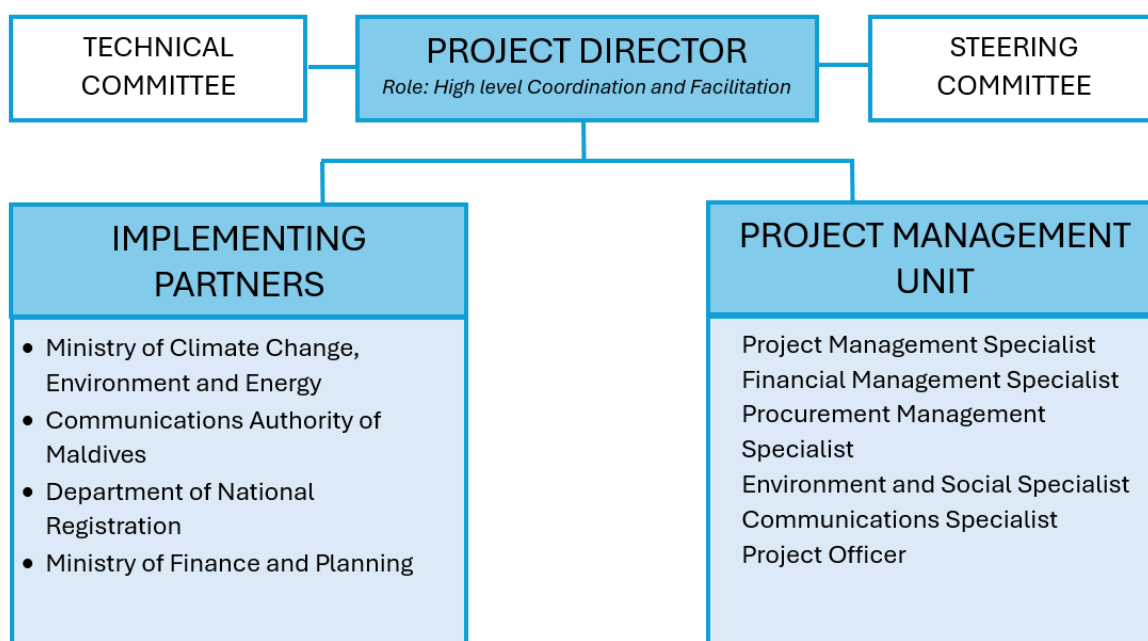


Figure 1 PMU proposed structure

The functions and responsibilities of each member of the direct project staff shown in Figure 1 are briefly described below. The senior most individual in charge of project implementation will be the project manager, or project management specialist. The Project Director, who is the highest-ranking civil servant assigned by the Ministry to supervise the project and guarantee its implementation in accordance with government policies, will receive reports from the Project Manager. Since government civil servants are subject to the terms of their employment contracts, as stated in ESS2 paragraph 08, the provisions listed in this labor management procedure do not apply to project directors. Please take note that the list of project employees is only preliminary; employees may be hired based on needs and requirements, and changes may be made as the project is being developed and put into action. The project's Operations Manual (OM) contains a thorough description of the jobs and responsibilities of the staff members.

Project Manager: The project will be overseen and managed on a daily basis by a Project Management Specialist (PMS). In addition to being the initial point of contact for any project-related concerns, the project manager will be in charge of completing the work within the allocated timeframes. In addition, the project manager will have to communicate with the steering committee, project director, and World Bank in order to provide updates. The manager will also be in charge of staff management, staff training, and day-to-day PMU management.

Financial Management Specialist: A financial specialist is crucial to the project in order to guarantee that all accounting and financial aspects are taken care of. The specialist will be in

charge of setting up and maintaining the project's financial management system in accordance with World Bank and government regulations. The specialist will work under the direction of the project manager or project director and report to the project manager.

Procurement Management Specialist: Ensuring that the project procurement adheres to World Bank guidelines for procurement of goods, works, and consultant selection is the assignment's main goal. The expert will work under the direction of the Project Director and Project Manager, reporting to the Project Manager, to execute all facets of the PMU-managed project procurements.

Communications Specialist: The communications specialist hired will update the media, raise the project's profile, raise public awareness of project interventions and activities generally, and make sure that environment and social issues are sufficiently disclosed to the public. The project manager and the director will provide direction to the specialist, who will report to them. Legal Specialist: To oversee and manage the project's numerous long-term contracts with IPPs, particularly as they relate to providing legal assistance.

Project Officer: The project officer hired will ensure day to day operations of the project are run smoothly. The coordinator will be responsible to liaise with all project stakeholders and implementation partners regarding various administrative aspects of the project including, travel and meetings. The coordinator will also look into attendance and other administrative aspects of the staff hired for the project and will provide updates to project manager. The coordinator will report to the project manager and will work under the guidance of the project manager and the director.

Environment and Social Specialist (ESS): The ESS employed by the project will guarantee that it is carried out in accordance with the government's and the World Bank's policies regarding environmental and social assessments. The project's Environment and Social Commitment Plan, Stakeholder Engagement Plan, Labor Management Procedures, and Environment and Social Management Framework will all be implemented by the specialist. The project manager and the director will provide direction to the specialist, who will report to them.

Internal Auditor

Apart from the permanent staff needed for the entire project, additional technical staff may be hired for a limited time to execute the project, depending on needs. For instance, facilitating trainings and workshops will require the expertise of facilitators and other professionals when capacity building activities are carried out. When hired, each of these employees will be regarded as project direct employees under ESS2. Project direct workers will also include the employees that the project's implementation partners assign to the team.

Nonetheless, they will be subject to the terms of their employment contracts, as stated in ESS2 paragraph 8, and the LMP's provisions will not also apply to these parties.

In addition, various specialist consultancies maybe hired (firms or otherwise) to support project implementation. The provisions given under this LMP will not strictly apply to such consultancies.

3.2 PROJECT CONTRACTED WORKERS

Contract workers are individuals employed by third parties to support the implementation of the project, as defined under ESS2. This primarily includes employees hired by Independent Power Producers (IPPs) to carry out the implementation of project components 1 to 3. Given the scope of the project, the number of contract workers and supply workers is expected to be very limited. All such workers are required to submit a Code of Conduct for Contractor's Personnel Form before engaging in project-related work.

4. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The type of project and its location can be used to determine the labor risks associated with it. Labor risks are first accessed in this section by direct project workers, then by contracted workers.

4.1 DIRECT PROJECT WORKERS

The risks related to direct project workers can be summarized as below:

4.1.1 GENERAL ASPECTS

- Discrimination based on gender, marital status, age, or any other physical or mental attribute.
- Sexual harassment. Many such cases have come to light in the Maldives and across the world recently.
- Physical and verbal harassment and workplace bullying.
- Discrimination in relation to opportunity/access for training and self-development.
- Discrimination on pay based on nationality, gender or any other aspect not related to experience or education. This has become particularly a major issue in some private sector industries and when hiring consultants in the Maldives. Often the local equivalent is paid much less than the foreign national.
- Employing underage staff to work in the project.
- Employing a staff without a valid work permit. This is particularly an issue in the construction industry not within the government.

- Overworking of employees can lead to exhaustion, loss of interest, depression and other serious health complications.
- Lack of availability of incentives available to staff at other organizations employed at similar capacity can lead to demotivation and ultimately poor staff retention.

4.1.2 AT THE PROJECT OFFICE

- The possibility of a fire at work. With mixed industrial, residential, and office spaces close together in a densely populated city like Male, this risk is fairly high. As demonstrated by the unsettling fire that broke out in September 2019 and affected over 300 individuals, leaving one person dead.
- Lack of proper sanitation facility in workplace and lack of availability of drinking water in workplace.
- Infestation of workplace with pests, like rats, mites etc. This is also very common in Maldives.
- Lack of availability of works station and software's required for functioning of project functions.

4.1.3 AT FIELD

- It is anticipated that the project's direct workers will travel by air and sea on occasion. There has been a noticeable increase in the number of capsizing incidents, particularly involving small speedboats at sea. As a result, accidents can happen, especially when traveling by sea.
- Visiting a location which has been declared unsafe, for example due to political unrest or for example due to an epidemic can pose risk to health and safety.
- Lack financial resources to meet the daily requirements in the field.

4.2 CONTRACTED WORKERS

The risks posed to contracted project workers can be summarized as below:

4.2.1 GENERAL ASPECTS

- Discrimination based on gender, marital status, age, or any other physical or mental attribute.
- Sexual harassment. Many such cases have come to light in the Maldives and across the world recently.
- Physical and verbal harassment and workplace bullying.
- Discrimination on pay based on nationality, gender or any other aspect not related to experience or education. This has become particularly a major issue in some private sector industries and when hiring consultants in the Maldives. Often the local equivalent is paid much less than the foreign national.

- Employing underage staff to work in the project.
- Employing a staff without a valid work permit. This is particularly an issue in the construction industry of Maldives.
- Overworking of employees can lead to exhaustion, loss of interest, depression and other serious health complications.

4.2.2 AT PROJECT WORK SITE

This project work at site involvement would be less, however, involves physical work such as during preparation for an event, workshop arrangements, training arrangements and catering works

- Risk of falling and falling objects while working.
- Dehydration, potential of passing out, heat exhaustion, heatstroke, or death
- Inadequate safety signs leading to serious accidents at the project site. Especially if the signs are not in a language that the workers can understand.
- There is risk of accidents related to vehicles used in the project, if the vehicles are not road worthy, if the vehicles used are not handled by trained personnel.
- Lack of clearly demarcated designated areas for waste disposal can lead to unhygienic working environment which can lead to disease etc.

5. BRIEF OVERVIEW OF LABOUR LEGISLATIONS

The Constitution (2008) guarantees every citizen the right to engage in any occupation or employment, prohibits forced labour, entitles everyone to fair wages, equal remunerations, safe conditions of work, and equal opportunity for promotions. In addition, it also guarantees everyone the right to form trade unions and participate in their activities, right to strike, to rest and leisure, including limits on hours of work and periodic holidays with pay, and a right to a pension as well.¹ These rights are ensured to everyone “without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island.”²

Maldives is party to all 08 of the fundamental conventions of the International Labour Organization (ILO), all ratified on 04th January 2013, and 02 of its technical conventions.³

5.1 EMPLOYMENT ACT 2008 [2/2008]

Employer/employee relationships are governed under the Employment Act (2/2008) and the subsequent amendments to it. An employer is defined in the Act as, “any person, company,

¹ Articles 25, 30, 31, 37 and 38 of the Constitution

² Article 17, Constitution

³ Seafarers Identity Documents Convention, and International Maritime Convention, ratified in January 2015 and June 2014 respectively

government or association of persons providing employment pursuant to an employment agreement which includes the use of services of non-independent contractors, successors, assigns of such employers, and any person to whom the rights of such employers are transferred in accordance with the law". An employee is any person seeking to work pursuant to an employment agreement. Maldives National Defense Force and Maldives Police Service are exempted from the Act. The Act prohibits forced employment, and discrimination in granting of employment, increase in remuneration, provision of training, determination of conditions and manner of employment, dismissal and resolution of other employment related issues; based on race, color, social standing, religion, political beliefs or affiliation with any political party, sex, marital status, family obligations, age or disability.

5.1.1 Minors

The law considers a minor to be a person under the age of 18. Chapter 3 of the Employment Act allows minors between the ages of 16 and 18 to be engaged in employment, provided consent is obtained from their legal guardian. Minors under the age of 16 are prohibited from engaging in employment, unless it is as part of a training for their education. A minor may also be employed in a family business with the consent of such minor and their family. All children are protected from employment that would have a detrimental effect on their health, education, safety or conduct. These rights are further stipulated in the Rights of the Child Act [19/2019] under which the Labour Relations Authority (LRA), is mandated to enact necessary regulations and monitoring the implementation of the same, for the prevention of child labour.⁴

5.1.2 Employment Agreement

All employers are required to enter in to an employment agreement in writing, with their employees. The Act recognizes three types of employment agreements, which are, (a) fixed term contracts or agreements with a definite term, (b) agreements with an indefinite term or permanent employment agreements, and (c) agreements for a specific task or project.⁵ Direct workers or project staff in the PMU falls under this latter category. Such agreements are considered neither permanent nor fixed term contract. And they are considered terminated upon the completion of the specific task or project.

All agreements must at minimum have included in them the following details;

- i. The name of the employee, permanent address, current address, identity card number or passport number, date of birth, nationality, emergency contact person's name, address and phone number;
- ii. Whether employment is permanent or temporary;
- iii. Date of commencement of employment agreement;

⁴ Article 26, [19/2019]

⁵ Article 13, [2/2008]

- iv. Salary and other benefits;
- v. Method and guidelines for calculation of salary;
- vi. Pay day;
- vii. Days on which leave may be granted;
- viii. Principles pursuant to which disciplinary measures may be taken against the employee due to his conduct;
- ix. Staff appraisal; and
- x. Manner of dismissal from employment.

Employers are also obligated to provide employees with a job description.

5.1.3 Working Hours

Working hours of employees, under the Employment Act must not exceed 48 hours per week. This however does not cover overtime work.⁶ Employees may not work for more than six consecutive days without taking a day off. The employment agreement must stipulate how overtime work can be obtained from an employee. Employees working overtime are entitled to a pay of 1 ¼ times their hourly wage and if working on a public holiday, 1 ½ times their hourly wage.⁷

5.1.4 Dismissal

Employees have a right not to be dismissed unfairly, without cause. The Act provides a list of disciplinary measures that can be taken reasonably against an employee due to misconduct and which must ordinarily be exhausted before any dismissal. This includes, cautioning verbally, a written warning, 14-day suspension and demotion, in that order.

Employers must establish procedural fairness and substantive fairness before an employee is dismissed. Procedural fairness is ensuring that due process of the law is followed in any decision to dismiss an employee, including among other things, providing the employee with due notice or money in lieu of such notice and ensuring that the employee is given ample opportunity to defend themselves. Substantive fairness means the actual reason or the misconduct of the employee preceding such dismissal must be one that warrants dismissal. It must be reasonable and fair. The employers must take in to account the circumstances surrounding the case, the previous records of the employee, and actions taken for similar conduct in previous cases.⁸

5.1.5 Leaves

Entitled leaves for employees under the Act includes, 30 (thirty) days of paid annual leave, 30 (thirty) days of paid sick leave, 60 (sixty) days of paid maternity leave, upon expiry of which

⁶ Article 32, [2/2008] as amended by Article 6 Second Amendment Act to the Employment Act [14/2008]

⁷ Article 38, Employment Act [2/2008]

⁸ High Court of Maldives case number: 209/HC/2010

either parent may choose to take up to 01 (one) year of unpaid leave, 03 (three) days of paid paternity leave, 10 (ten) days of paid leave for family responsibility, and 05 (five) days of paid leave for a parent of a child undergoing circumcision.⁹

On March 2019, the government decided to grant all government employees with a paid maternity leave and paternity leave of 06 (six) months and 01 (one) month, respectively. This practice has since been taken up by state owned enterprises as well.

5.1.6 Training

Employees may be engaged with training, on the job or otherwise, subject to a separate agreement entered in to with the employer, for the purpose. The agreement must have in them at minimum, the details of the employer and the employee along with, details of the type of training, the period it would take to complete the training, costs incurred by the employee in relation to the training and the rights and obligations of each party if the training is not completed.¹⁰

5.1.7 Health and Safety

All employers are obligated under the Act to take measures for the safety and protection of their employees, without any charge. These measures include;

- Providing a safe work place environment and procuring of secure tools and machinery for carrying out work, and ensuring the continued safety of the same;
- provide resources necessary to carry out the work with safety;
- provide protective attire and equipment in the event that the nature of work is such that it is not possible to eliminate or control health hazards arising out of work;
- provide education and training to employees on the use of protective gear and safety equipment, and disseminate information to employees on all issues of related concern;
- conduct regular health checks for employees involved in any work that may cause physical ill health or for employees working with chemical or biological materials that may pose a threat to their health;
- provide or arrange for appropriate medical care for employees injured during the course of their employment
- facilitate first aid to employees who are involved in emergencies or accidents.

Employees are required to;

⁹ Articles 39-49, [2/2008]

¹⁰ Article 70, [2/2008]

- maintain safe practices at work to avoid danger to the safety and wellbeing of the employee and co-workers, which may be caused by inattentiveness to safety and security measures;
- assist the employer and co-workers in maintenance of measures designed to ensure health and safety in the work place;
- use safety equipment and protective gear as instructed in accordance with the training and education provided for use of such equipment and gear;
- report to the employer any damage, loss of or destruction of protective gear or safety equipment;
- inform the employer or his designated supervisor immediately of the occurrence of any incident which the employee believes may cause danger and which the employee is unable to resolve;
- inform the employer or his designated supervisor of any accidents or damage sustained at work or related to work.

Employees have the right to abstain from work where there is serious threat to health or life.¹¹

5.1.8 Unionizing, collective bargaining and the right to strike

The Employment Act 2008 is notably silent on the right to strike or the right to form trade unions and is lacking any provisions on collective bargaining. While these are constitutional rights, and Maldives remain party to the ILO Convention on Right to Organize and Collective Bargaining (No. 98), there is a lack of a specific legislative framework ensuring the right to organize and collectively bargain. Employees can however create clubs and associations, which are governed under the Associations Act (1/2003). Such clubs and association are required under the law to be registered at the ministry with the relevant mandate.

The Regulation on Resolving Disputes between Employers and Employees (2011/R-12), issued by Labour Relations Authority outlines principles for employees to comply with in exercising the right to strike and abstain from work. To strike, under the Regulation is defined as, to abstain from work by peaceful exercise of the employees' freedom of assembly and speech. Under the Regulation, before any decision is taken to conduct a strike due to a dispute between the employers, the employees are to carry out discussions with their respective employers. The Regulation provides for a three-tier process to be followed in carrying out such discussions. First step involves informal discussion between the parties failing which formal discussions are to be held at a sectional or departmental level. Second tier involves lodging the grievances to a Grievance Committee made up of the head of the respective organization, heads of the relevant departments, and parties representing the aggrieved employee(s). If the Grievance Committee fails to resolve the dispute, the matter is to be forwarded to the Labour

¹¹ Articles 73-76, [2/2008]

Relations Authority. If either party is dissatisfied with the decision of the Authority, the matter can be submitted to the Employment Tribunal for adjudication.

5.1.9 Redress, Labour Relation Authority and Employment Tribunal

Labour Relations Authority (LRA) formed under Article 77 of the Employment Act (2008) is mandated with implementing the necessary administrative measures to ensure compliance with the Act. The Authority also issues regulations governing employer/employee relationships. As such employees can lodge complaints to LRA, regarding an employer's action which they deem is in contravention of the law, and request to enforce compliance.

LRA has the authority to enter in to and inspect work places and obtain documents through Employment Officials. Officials have the authority to order an employer to make changes, within a specified time, to the machinery or the manner in which an equipment is set up, to ensure health and safety of the employees as stipulated under law. An official can also order urgent steps to be taken in order to avert a danger where the risk of a danger to the employee's health and safety exists in the opinion of such official.

If an employer is unhappy with the decision or order of LRA, they can appeal to Employment Tribunal.

The Tribunal established under Article 85 of the Employment Act consists of 07 (seven) members appointed by the President. The members hold office for a tenure of 05 (five) years and should have the educational qualifications and experience to comprehend and resolve employment related issues.

The Tribunal reviews and deliberates at the first instance on matters of employment. Decisions of the Tribunal are appealed at the High Court.

5.2 PREVENTION OF SEXUAL HARASSMENT ACT (16/2014)

Prevention of Sexual Harassment Act (16/2014) prohibits employers and employees from subjecting those who work under them or their co-workers to any extent any type of sexual harassment. Sexual Harassment is defined in the Act as, any sexual act committed against a person without their consent. A sexual act, for the purposes of the Act, is any action, whether physical, verbal or otherwise, which according to a reasonable person, suggests a sexual intent towards the victim. Any such act is to be proven on the balance of probability.¹² It is the duty of the employer to take reasonable steps to ensure that the work environment is an environment that is free from sexual harassment and one in which such acts does not negatively affect the work of employees.¹³ Employers are obliged to establish policies to prevent sexual harassment and have such policies published,¹⁴

¹² Articles 2, 3 [16/2014]

¹³ Article 7, [16/2014]

¹⁴ Article 13, [16/2014]

Every government office including the presidents' office, independent institutions, parliament, the courts and all work places with more than 30 employees must have, under the Act, a Sexual Harassment Prevention Committee, with the function, among other things, of hearing complaints, investigating potential acts of harassment and take proper action against perpetrators in accordance with the Employment Act.¹⁵ The Committee consists of 03 members out of which one must be female. The Committee can, depending on the gravity of the action, take disciplinary actions ranging from cautioning, suspension, demotion and dismissal.¹⁶ Decisions must be taken within 60 days of receiving a complaint. Decisions of the Committee can be appealed at Employment Tribunal.¹⁷

5.3 GENDER EQUALITY ACT 2016 (18/2016)

Employers are further mandated under the Gender Equality Act (18/2016), to ensure non-discrimination based on gender. The Act stipulates that all government offices and private businesses must take appropriate measures to achieve the following goals;

- Abolish gender-based discrimination, including direct and indirect discrimination.
- Abolish all systemic discrimination caused through established systems with unequal practices.
- Promote equal opportunities for men and women.
- Promote notions and ideas of gender equality to eliminate undesired preconceptions against a certain gender.¹⁸

Providing equal opportunity under the Act includes, (a) eliminating weaknesses or difficulties caused by inequality between men and women, (b) reducing the negative effects of inequality between men and women, (c) facilitating the special needs of a particular gender to achieve ease of attainment of services, and (d) evaluating the degree of participation of each gender in public life and public services and take appropriate steps to balance such participation.¹⁹

Public and private sector employers are further mandated under the Act to;

- (a) Provide equal opportunity to men and women in the employment, training and advancement of position.
- (b) Provide equal wages to men and women who perform the same responsibilities at the same place of employment.

¹⁵ Articles 17, 18, 19 [16/2014]

¹⁶ Article 22, [16/2014]

¹⁷ Article 26, [16/2014]

¹⁸ Article 18, [18/2016]

¹⁹ Article 19, [18/2016]

- (c) Men and women at the same place of employment with work adequately equal in value and weight shall be given equal wages, overtime compensation, benefits and allowances.
- (d) Employment opportunities shall not be offered or advertised to restrict a particular gender, except in circumstances the work is required to be undertaken by a particular gender.
- (e) Announcements and advertisements for work that is likely to attract more men than women must be designed to invite and not to exclude women.
- (f) Take all possible steps to eliminate obstructions to employment of women and to create conducive work environments for women.
- (g) Establish a complaints mechanism.²⁰

5.4 MALDIVES PENSION ACT (18/2016)

Employers must enroll their employees in the Maldives Retirement Pension Scheme, and it is obligatory on the employees to participate in the scheme, under Article 12 of the Maldives Pension Act (18/2016). Failure to do so would amount to an offense under the Act. And as such the employment agreement is required to have provisions for deductions for pension contributions by the employee.

Each person who is considered a participant of the Retirement Pension Scheme of the Maldives, is required to pay a minimum of 7% of the employee's pensionable wage, and the employer must also pay a minimum of 7% of the pensionable wage to the scheme.²¹

5.5 THE PUBLIC HEALTH PROTECTION ACT (7/ 2012)

There are several legislations relating to occupational health and safety that are relevant to the COVID-19 context and would also impact workers in specific activities. This includes: The Public Health Protection Act, Law 7/2012. This Act complements the Occupational Safety and Health Act by ensuring fair working practices, which impacts worker wellbeing. The Public Health Protection Act (Law No 7/2012) focuses on the prevention and control of communicable diseases, food safety, environmental health, and public health emergencies.

5.6 MIGRANT WORKERS

Foreigners are required to obtain an employment approval as per applicable law, and deposit a security with the relevant government agency. This deposit is to be used by the government for costs incurred to remedy an employers' default of their responsibilities under relevant Regulation on Employment of Expatriates in Maldives (2011/R-22), or as payment for any

²⁰ Article 20, [18/2016]

²¹Article 14,[18/2016]

unpaid fees related to work permit or work visa, or for travel expenses of the worker, where government decides to deport such worker. Article 62 of the Employment Act gives the minister with the relevant government mandate to issue regulations related to the employment of foreigners.

Under the Regulation on Employment of Expatriates in Maldives (2011/R-22), government issues a specific number of “Quotas” for companies, upon request in order to employ expatriates. No foreigner is allowed to work in the Maldives without a valid work permit and a work visa. Employers are required to treat their foreign employees in accordance with the Employment Act and other applicable law. They are responsible for paying any fees related to the work permit or visa accordingly and of returning the worker to their home country once the work permit expires, or if for any reason the government decides that the worker should leave the country. Employers are also required to, upon the death of a worker, to return the body to their family in their home country.

5.7 INTERNATIONAL LABOUR ORGANIZATION CONVENTIONS

Maldives have ratified a number of International Labour Organization Conventions on 04th January 2013. These conventions are described in brief below:

1. Forced Labour Convention, 1930 (No. 29): “This fundamental convention prohibits all forms of forced or compulsory labour [...] Exceptions are provided for work required by compulsory military service, normal civic obligations, as a consequence of a conviction in a court of law [...], in cases of emergency, and for minor communal services performed by the members of a community in the direct interest of the community. The convention also requires that the illegal extraction of forced or compulsory labour be punishable as a penal offence, and that ratifying states ensure that the relevant penalties imposed by law are adequate and strictly enforced.” (See Rules of the game: a brief introduction to international labour standards, p. 35)
2. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87): “This fundamental convention sets forth the right for workers and employers to establish and join organizations of their own choosing without previous authorization. Workers' and employers' organizations shall organize freely and not be liable to be dissolved or suspended by administrative authority, and they shall have the right to establish and join federations and confederations, which may in turn affiliate with international organizations of workers and employers.” (See Rules of the game: a brief introduction to international labour standards, p. 28).
3. Right to Organise and Collective Bargaining Convention, 1949 (No. 98): “This fundamental convention provides that workers shall enjoy adequate protection against acts of anti-union discrimination [...] Workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other [...] The convention also enshrines the right to collective bargaining” (See Rules of the game: a brief introduction to international labour standards, pp. 28-29).

4. Equal Remuneration Convention, 1951 (No. 100): “This fundamental convention requires ratifying countries to ensure the application of the principle of equal remuneration for men and women workers for work of equal value. The term ‘remuneration’ is broadly defined to include the ordinary, basic or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment” (See Rules of the game: a brief introduction to international labour standards, p. 40).
5. Abolition of Forced Labour Convention, 1957 (No. 105): “This fundamental convention prohibits forced or compulsory labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination” (See Rules of the game: a brief introduction to international labour standards, p. 35).
6. Discrimination (Employment and Occupation) Convention, 1958 (No. 111): “This fundamental convention defines discrimination as any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. [...] It requires ratifying states to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in these fields. The Convention covers discrimination in relation to access to education and vocational training, access to employment and to particular occupations, as well as terms and conditions of employment.” (See Rules of the game: a brief introduction to international labour standards, p. 42).
7. Minimum Age Convention, 1973 (No. 138): “This fundamental Convention sets the general minimum age for admission to employment or work at 15 years (13 for light work) and the minimum age for hazardous work at 18 (16 under certain strict conditions). It provides for the possibility of initially setting the general minimum age at 14 (12 for light work) where the economy and educational facilities are insufficiently developed.” (See Rules of the game: a brief introduction to international labour standards, p. 37).
8. Worst Forms of Child Labour Convention, 1999 (No. 182): “This fundamental Convention defines as a “child” a person under 18 years of age. It requires ratifying states to eliminate the worst forms of child labour, including: all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; child prostitution and pornography; using children for illicit activities, in particular for the production and trafficking of drugs; and work which is likely to harm the health, safety or morals of children. The

Convention requires ratifying states to provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. It also requires states to ensure access to free basic education and, wherever possible and appropriate, vocational training for children removed from the worst forms of child labour.” (See Rules of the game: a brief introduction to international labour standards, p. 37).

6. POLICIES AND PROCEDURES

This section identifies the key policies and procedures that will be in place to ensure that the risks identified in section 03 of this LMP is adequately addressed. In this regard this section will first look means of addressing identified risks associated with direct project workers followed by means of addressing such risks of contracted workers.

6.1 DIRECT PROJECT WORKERS

The project implementation will incorporate the following mitigating measures to guarantee that the risks to project direct workers, as mentioned in Section 03 of this LMP, are taken into consideration. The primary accountability for guaranteeing the implementation of the emphasized aspects will lie with the project manager and the director. In order to assess compliance, the safeguards officer will conduct a quarterly review and report to the World Bank, the project manager, and the project director. Where applicable, the employment contract will contain the following provisions to guarantee compliance.

6.1.1 GENERAL PROVISIONS

- All project staff will be provided with an employment contract as per the requirements of Employment Act (2/2008).
- All direct project staff employed for the purpose of the project will be above 18 years. Even though the employment act provides provision to employ minors between 16 to 18 years of age, with the consent of the parents, it is not envisioned that a minor will be required to be employed as a direct project worker.
- Maximum working hours for staff will not exceed the maximum limit set in the Employment Act, i.e. 48 hours a week.
- Equal training opportunity will be available to all staff working in the project without discrimination, based on gender or otherwise, as specified in the Employment Act. It is responsibility of the Project Manager and the Project Director to ensure that such discrimination does not exist.
- All staff will be entitled to breaks from work of 30 (thirty) minutes after every 05 (five) hours during working hours as per the Employment Act. They will also be provided with the entitled leaves under the Employment Act, in addition to paid maternity and paternity leaves as per the social protection policy of the government. In this regard, 06 months maternity leave and 01-month paternity leave will be

provided. This policy has been established and enforced in all government civil service offices and all government companies.

- All staff will be made aware of grievance redress mechanism available for the staff specified under this LMP.
- Provide health insurance packages to all project staff, equivalent to that given by other government companies and institutions working in similar capacities.
- Staff will be made aware of the avenues available at the Ministry for victims of sexual harassment. Staff will be able to lodge complaints to the Sexual Harassment Prevention Committee at the Ministry, established under Prevention of Sexual Harassment Act (16/2014).
- Staff will be provided a pension contribution and deductions will be made from their salaries for their contribution in accordance with the Pension Act 18/2016).
- Any foreign party employed by the project will have a valid work permit and a work visa while working in Maldives.

6.1.2 AT PROJECT OFFICES

- A work station with computer will be provided to all staff.
- Separate male and female toilet facilities will be provided at all project offices.
- Drinking water will be available at all project offices.
- All project offices will be free of pests. Where pests are detected pest control measures will be taken immediately.
- Fire detection and firefighting equipment will be available at all project offices.
- Emergency evacuation plan will be established for all project offices and staff will be made aware of the plan and periodic simulation exercises that needs to be implemented.
- All software's essential for functioning of the assigned tasks will be provided to all project staff.

6.1.3 AT THE FIELD

- When travelling procure sea-vessels that have lifejackets available.
- When procuring sea-vessels for travel in addition to cost, safety considerations will be made, and the size of the vessel will be adequate from a safety perspective.
- Lifejackets will be provided to all project staff when travelling by sea.
- Hard hats (through contractors, investors or project directly) will be provided to all project staff when visiting project construction sites.
- Enclosed shoes will be worn by all project staff when visiting project construction sites (safety shoes are preferable).
- Safety harness will be provided (through contractors, investors or project directly) to all project staff when climbing heights.

- Arrangement will be made to ensure that water is available to all project staff at the field. Ideally a refillable water bottle would be provided to each project staff to be used during field visits.
- Some form of identification will be there identifying the staff belonging to project when attending meetings and sites.
- Where a state of emergency or an epidemic is declared, all travel to that place will cease with immediate effect.
- A daily subsistence allowance (DSA) will be provided to all project staff covering lodging, meals, gratuities and transport costs when travelling in field. The rate of DSA will be determined based on the rates at locations where project is implemented and will be revised based on changes to rates.

To ensure enforcement of these aspects highlighted in the LMP, these provisions will be included in the employment contracts of all direct workers.

6.2 CONTRACTED WORKERS

The ESS will oversee the overall implementation of the policies and procedures outlined here on behalf of PMU. The project's designated supervision party will conduct routine monitoring of the contracted staff's working conditions. As of this writing, utility staff stationed on the islands will be used for this purpose. Training for the designated supervision staff will be given by the ESS. The ESS will discuss concerns that need to be addressed with contractors and investors after reviewing input from the supervision staff. In order to ascertain compliance, the ESS will conduct a quarterly review and report to the World Bank, the contractor/investor, and the project manager. It is advised that the works contracts and other legal agreements created during the project contain pertinent clauses to guarantee compliance. In addition, in order to bid on component one, the IPPs must submit their company's environment management system and include the requirements listed above in it.

5.2.1 GENERAL PROVISIONS

- List of workers to be utilized in relation to the project, with proof of employment will be required to be submitted to PMU by all investors/contractors.
- Construction work can only commence once the following conditions are met:
 - ✓ Toolbox training completed by all staff employed by the contractor
 - ✓ All the required Personal Protective Equipment are acquired by the contractor for all workers
- Any newly employed party by the contractor will be required to complete the toolbox prior to commencing any physical work.
- As per the provisions of the employment, all parties employed by any contracted party will be above 16 years of age. For those between 16 to 18 years of age, consent of the parent will be required as per the employment act. In addition, all other provisions of the act highlighted previously regarding employment of a minor will

apply. All contractors and investors will be required to provide document evidence (passport, identity card or birth certificate) confirming age of employees to PMU prior to involving them on activities of the project. In addition, for minors consent of the parent will be provided in writing together with evidence of legal guardianship.

- Maximum working hours for staff will not exceed the maximum limit set in the employment act, i.e. 48 hours a week. To confirm this, monthly attendance and duty sheets need to be submitted to PMU during the construction phase.
- An internal transparent and accountable system will be established within the company to tackle issues of sexual harassment, physical and psychological harassment and workplace bullying. Details of this system will be shared with PMU prior to signing any contracts or agreements.
- All contracted staff will be made aware of grievance redress mechanism available for the staff specified under this LMP.
- The leave policy of the company will be shared and confirmed that it is in line with national laws and regulations.
- All foreign parties employed by all contractors/investors will have valid work permit. The work permit details will be shared with PMU.
- All vehicles used by any contractor/investor for the purpose of the project will have valid registration, insurance and road worthiness.

5.2.2 PROJECT WORK SITE

- All provisions that are required under Health and Safety Regulation for Construction Industry (2019/R-156) will be strictly adhered to.
- All workers will be provided with Personal Protective Equipment (PPE) by the contractor/Investor. In this regard the following will be observed:
 - Hard hats should be used by all workers when undertaking construction and when undertaking inspections at height.
 - Enclosed safety shoes should be worn by all construction workers.
 - Safety harness should be used by all workers when climbing heights at project sites.
 - Electrical Protective gloves should be provided to workers when dealing with electrical components.
 - Chemical protective gloves should be provided to all workers when dealing with any chemicals.
 - Construction safety goggles should be worn by all construction workers.
 - Ear plugs should be worn by all construction workers working in environments with high noise (working above 75 decibels).
 - Masks should be worn when dealing with chemicals and when working in dusty environments.
- All chemicals will be stored on hard surfaces and should be covered.

- Portable drinking water will be made available at the construction site during construction phase.
- Adequate safety signs will be installed at the work site giving clear direction. These will be provided in addition to English in the language of the workforce.
- Construction work site will be demarcated & fenced, and warning signs will be displayed both in English and Dhivehi.
- When construction is undertaken, clearly demarcated bins for waste disposal will be placed and emptied daily.
- Open pits will not be left for water to accumulate for a long time.
- Any stockpiled sand will be covered to prevent sand particles from being airborne.
- All vehicles and equipment used for the project will be used by well trained personnel.
- Any scaffolding used will be to British Standard (BS1139).
- When working at night, adequate lighting will be provided.
- A designated toilet facility will be available within 10 minutes of the construction site.
- Breaks will be given to the workforce during mealtimes.
- The site will be cleaned daily following completion of days' work.

6.3 PRIMARY SUPPLY WORKERS

The suppliers for this project would be support service suppliers, such as office equipment, event arrangement setups and catering suppliers. These workers will be under the service provider or the sub-contractor, they are likely to be involve with the project activity for a short period of time. However, all provisions highlighted under 4.2.1 and 4.2.2 for contracted workers will apply to primary supply workers as well.

7. GRIEVANCE REDRESS MECHANISM

Both primary workers and contracted workers should have access to a grievance redress mechanism. Below is a definition of a three-tier system: project workers are directed by the first tier, and contracted workers are directed by the second.

7.1 DIRECT PROJECT WORKERS

Table 1 Grievance Redress Mechanism for direct project workers

Tiers of Grievance Mechanism	Nodal Person for Contact	Contacts, Communication and Other Facilitation by Project	Timeframe to address grievance
First Tier: Ministry of Homeland Security and Technology	Permanent Secretary	Any project staff may raise submit in writing addressed to permanent secretary identifying the nature of the grievance. The permanent secretary should acknowledge the grievance and provide written confirmation of receipt of the grievance.	15 working days

		<p>For issues related to sexual harassment the Permanent Secretary should submit the complaint to sexual harassment committee.</p> <p>For all other grievances the Permanent Secretary may form a committee (comprised of individuals that are not involved in the project), to review the case.</p> <p>The Permanent Secretary may meet with the aggrieved party and other related project staff to collect additional information.</p> <p>The Permanent Secretary will take steps to ensure that aggrieved party is not discriminated due to the complaint.</p> <p>The Permanent Secretary will communicate the decision regarding the grievance in writing within 15 days of receiving the grievance.</p>	
Second Tier: Labour Relations Authority	Designated Employment Officer for the case	<p>If the aggrieved party is not happy with the response from the Permanent Secretary, the party may upgrade the grievance to second tier (i.e. Labour Relations Authority).</p> <p>The aggrieved person may submit the complaint through: https://lra.gov.mv/submit-a-complaint-form/</p>	As per the established norms of the Authority
Third Tier: Judiciary	An individual has option of going to established judiciary system of the country	The legal system is accessible to all aggrieved persons.	As per established judicial procedures in Maldives

7.2 CONTRACTED WORKERS

Table 2 Grievance Redress Mechanism for contracted workers

Tiers of Grievance Mechanism	Nodal Person for Contact	Contacts, Communication and Other Facilitation by Project	Timeframe to address grievance
First Tier: Contractor/ Investor	Designated person by Contractor/ Investor to specifically look into complaints (if no such person exists within the company can go straight to tier 2)	As per the established system of the investor/contractor	As per established norms of the contractor/investor (not exceeding 30 days).
Second Tier: Labour Relations Authority	Designated Employment Officer for the case	If the aggrieved party is not happy with the response from the Contractor/Investor, the party may upgrade the grievance to second tier (i.e. Labour Relations Authority).	As per the established norms of the Authority

		The aggrieved person may submit the complaint through: https://lra.gov.mv/submit-a-complaint-form/	
Third Tier: Judiciary	An individual has the option of going to established judiciary system of the country	The legal system is accessible to all aggrieved persons.	As per established judicial procedures in Maldives

7.3 WORLD BANKS GRIEVANCE REDRESS PROCEDURE

Parties who believe that they are adversely affected by a project supported by the World Bank may also complaints directly to the Bank through the Bank's Grievance Redress Service (GRS) (<http://projects-beta.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>).

A complaint can be submitted to the Bank GRS through the following means:

- By email: grievances@worldbank.org
- By fax: +1.202.614.7313
- By mail: The World Bank, Grievance Redress Service, MSN MC10-1018, 1818 H Street Northwest, Washington, DC 20433, USA
- Through the World Bank Maldives Country Office: Hotel Jen 4th Floor, Ameer Ahmed Magu Male', Maldives. Tel: +9603005289
email:infomaldives@worldbank.org

The complaint must clearly identify the adverse impact(s) caused by the project. This should be supported by available documentation and evidence. The complainant may also indicate the desired outcome of the complaint. Furthermore, the aggrieved party should identify a point contact for communications. Complaints submitted via the GRS are promptly reviewed to allow quick attention to project-related concerns.

8. IMPLEMENTATION OF LMP

The Project Management Unit is responsible to ensure that this LMP is implemented. The responsibility of each staff in relation to LMP are described below.

Table 3 Responsibilities of project staff in relation to LMP

Staff	Responsible Activities
Project Management Specialist	<ul style="list-style-type: none"> • Ensure that all project activities are undertaken as per LMP

Environment and Social Specialist	<ul style="list-style-type: none"> • Provide information on LMP and other safeguards instruments to contractors prior to commencement of work. • Undertake inspection of work sites to ensure compliance. • Communicate with contractors on issues that needs to be addressed.
Communications Specialist	<ul style="list-style-type: none"> • Design display boards to be placed on the sight. • Design awareness material to be place on sight. • Coordinate with labor management authority to provide awareness sessions to project staff.
Procurement Specialist	<ul style="list-style-type: none"> • Ensure that the provisions highlighted in this plan are included in all works contracts and direct worker contracts.

9. CODE OF CONDUCT FORM

Code of Conduct for Contractor's Personnel Form

We are the Contractor, *[enter name of Contractor]*. We have signed a contract with *[enter name of Employer]* for *[enter description of the Facilities]*. The Plant for the Facilities will be installed at *[enter the Site]*. Our contract requires us to implement measures to address environmental and social risks, related to the Installation Services i.e. services ancillary to the supply of the Plant for the Facilities, such as inland transportation, site preparation works/ associated civil works, installation, testing, precommissioning, commissioning, operations and maintenance etc. as the case may require.

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Installation Services.

All personnel that we utilize in the execution of the Contract, including staff, labor and other employees of us and of each Subcontractor, and any other personnel assisting us in the execution of the Contract, are referred to as Contractor's Personnel.

This Code of Conduct identifies the behavior that we require from the Contractor's Personnel employed for the execution of Installation Services at the Site (or other places in the country where the Site is located).

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

Contractor's Personnel employed for the execution of Installation Services at the Site (or other places in the country where the Site is located) shall:

1. carry out his/her duties competently and diligently;

2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
3. maintain a safe working environment including by:
 - a. ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
 - b. wearing required personal protective equipment;
 - c. using appropriate measures relating to chemical, physical and biological substances and agents; and
 - d. following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
7. not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
8. not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
9. not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation and Abuse, and Sexual Harassment (SH);
11. undertake all project activities as per Environmental and Social Code of Practice developed for the project;
12. have a valid work permit to undertake project activities for the project duration;
13. report violations of this Code of Conduct; and
14. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

If any person observes behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly. This can be done in either of the following ways:

1. Contact [*enter name of the Contractor's Social Expert with relevant experience in handling sexual exploitation, sexual abuse and sexual harassment cases, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters*] in writing at this address [] or by telephone at [] or in person at []; or
2. Call [] to reach the Contractor's hotline (*if any*) and leave a message.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

There will be no retaliation against any person who raises a concern in good faith about any behavior prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

Any violation of this Code of Conduct by the Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

FOR CONTRACTOR'S PERSONNEL:

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact [*enter name of Contractor's contact person(s) with relevant experience*] requesting an explanation.

Name of Contractor's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____