

# 40 Critical Bridges and 3 Maritime Structures - Environmental and Social Management Plan

Volume One

Prepared for Fiji Roads Authority

Prepared by Beca International Consultants Ltd

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## Revision History

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## Document Acceptance

Action	Name	Signed	Date
Prepared by	Cole Burmester		03/11/2022
Reviewed by	Adam Fraser		03/11/2022
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## ABBREVIATIONS

ADB	Asian Development Bank
CESMP	Construction Environmental and Social Management Plan
COEP	Codes of Environmental Practice
COVID-19	Coronavirus SARS-CoV-2
CPP	Consultation and Participation Plan (for the project)
DOE	Department of Environment
DOL	Department of Lands
DSC	Design and Supervision Consultant
EIA	Environmental Impact Assessment
EMU	Environment Management Unit
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FTIIP	Fiji Transport Infrastructure Investment Project
FRA	Fiji Roads Authority
GOF	Government of Fiji
GRM	Grievance Redress Mechanism
iTLTB	iTaukei Lands Trust Board
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
MOE	Ministry of Economy
MOWE	Ministry of Waterways and Environment
MOU	Memorandum of Understanding
MWTPU	Ministry of Works, Transport and Public Utilities
NGO	Non-Governmental Organisations
NTC	Notice to Contractor
PRIF	Pacific Region Infrastructure Facility
SEP	Stakeholder Engagement Plan
SALA	State Acquisition of Lands Act
TIIP	Transport Infrastructure Investment Project, funded by World Bank
TIISP	Transport Infrastructure Investment Project, funded by Asian Development Bank
UNFCCC	United Nations Framework Convention on Climate Change
WB	World Bank
WHO	World Health Organisation

## Executive Summary

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This Environmental and Social Management Plan (ESMP), Volume One, documents the environmental and social assessment associated with the 40 Bridges and 3 Maritime Structures project (hereinafter referred to as the Project). The Project is being implemented by the Fiji Roads Authority (FRA) with assistance from the Asian Development Bank (ADB) and the World Bank (WB). The Project involves feasibility studies, due diligence, and detailed design, to support subsequent procurement of a civil works package/s to upgrade and rehabilitate critical road and maritime transport infrastructure across Fiji. The bridge structures have been grouped by FRA into four different levels of priority replacement based on their current condition and access restrictions (i.e. urgency for repair or replacement), as follows:

- Priority 1: 10 bridges (all located on Viti Levu Island)
- Priority 2: 10 bridges (4 on Viti Levu Island and 6 on Vanua Levu Island)
- Priority 3: 10 bridges (all located on Viti Levu Island)
- Priority 4: 10 bridges (1 each on Rotuma Island, Ovalau Island, and Viti Levu Island, 3 on Vanua Levu Island, and 4 on Taveuni Island)

The maritime structures are located, as follows:

- Natovi Jetty, Viti Levu Island
- Savusavu Jetty, Vanua Levu Island
- Nabouwalu Jetty, Vanua Levu Island

The primary objective of this ESMP is to safeguard the environment and the local population from site activity by setting out the potential mitigation measures to be adopted during design, construction, and operation of the structures. This ESMP is intended to provide a framework that ensures transparency and effective consultation, impact prevention, minimisation, mitigation and / or off-setting measures to address the identified environmental and social impacts associated with the project. The FRA, ADB, and the WB agreed that the ESMP be split into three volumes to reflect the fact that a lot of the information and safeguards instruments required to assess the Project will be common across each of the individual structures.

Volume One, which is the focus of this document, contains detailed project-wide information, the legal and policy framework, overview of institutional arrangements (roles and responsibilities), the process for stakeholder engagement and consultation, Grievance Redress Mechanisms (GRM), and Labour Management Procedures (LMP).

Volume Two will consist of five separate versions, reflecting each of the four priority groups of bridges and the three maritime structures, and contain site specific information for each bridge and maritime structure. The report will collate information common to structures within a priority area, such as baseline social and environmental conditions for a geographic area, with site specific information relevant to each site. Volume Two will also contain site and project specific design and construction information, such as activities proposed, earthworks, land requirements, materials, equipment, construction period, drawings and figures. The consultation undertaken in accordance with the Stakeholder Engagement Plan (SEP) will be detailed, with any feedback recorded. Volume Two will conclude with an assessment of risks and impacts and identification of required mitigations, including details on any necessary Construction Environmental and Social Management Plan (CESMP).

Volume Three will contain any site specific additional technical information that will be determined as being necessary following screening and consultation. It is noted that this will include any required land due diligence, which can only be confirmed following screening and development of designs for each structure. Volume Three may include, but not be limited to, Land Acquisition and Resettlement Plan(s), Marine Ecological Assessments, Site Specific Surveys, and Valuations.

# 1 Introduction

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## 1.1. Background

The Government of Fiji (GOF) is being supported by the Asian Development Bank (ADB) through the “Transport Infrastructure Investment Sector Project” (TIISP)<sup>1</sup> and the World Bank (WB) through the “Transport Infrastructure Investment Project” (TIIP)<sup>2</sup> collectively hereinafter called, the investments. The investments will improve access to socioeconomic opportunities by supporting the government to upgrade and rehabilitate land and maritime transport infrastructures. The investments are financing the preparation of a project that will upgrade (repair or replace) 40 critical bridges and three maritime structures nationwide (hereinafter referred to as the project).

The continuous economic growth of Fiji has resulted in increased sea and land traffic that has accelerated the deterioration of transport infrastructure in combination with climate change and natural disaster impacts. Despite steady economic improvement, the quality of the infrastructure in Fiji continues to lag. Less than optimal infrastructure leads to higher economic costs, and restricts community access, which in turn undermines business potential and economic activities.

In line with the Fiji Road Authority’s (FRA) aim to improve access to socioeconomic opportunities for the people of Fiji, Beca International Consultants Limited (Beca) has been engaged to carry out feasibility studies (including due diligence) and detailed design to support subsequent procurement of a civil works package/s for the project. The project will proceed in a number of concurrent stages, as follows:

- Pre-feasibility and design criteria
- Stakeholder Engagement Plan
- Investigations and development of options, including environmental and social baseline assessments / screening
- Options analysis and community consultations
- Preliminary design
- Detailed design
- Procurement and environmental, social and acquisition / resettlement plans (if required).

The 40 bridges and 3 maritime structures have been grouped by FRA into four different levels of priority replacement based on their current condition and access restrictions (i.e. urgency for repair or replacement). Any changes, or the process to making a change to the priority groups, such as moving a bridge structure into a higher priority group due to due diligence, the impact of natural events, or as a matter of urgency, will be at the determination of FRA. It has been agreed with FRA, ADB and the WB that an Environmental and Social Management Plan (ESMP) will be prepared but split into three volumes, detailed below in Section 1.4 of this report.

- Volume One, which is the focus of this document, contains all project-wide information.
- Volume Two will contain site specific information for each bridge/maritime structure.

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<sup>1</sup> TIISP is funded by ADB and is identified as Sovereign Project 48141-001.

<sup>2</sup> TIIP is funded by World Bank and is Project ID P150028.

- Volume Three will contain any site specific additional technical information determined as necessary following screening (for example Land Acquisition and Resettlement Plan, Marine ecological assessment, surveys, valuations, etc).

The approach of using three volumes reflects the fact that a lot of the information and safeguards instruments required will be common across the entire 40 bridges and three maritime structures (for example the policy/legislative framework and Labour Management Procedures).

## 1.2. Purpose of the Report

The primary objective of this ESMP is to safeguard the environment and the local population from site activity by setting out the potential mitigation measures to be adopted during design, construction, and operation of the structures. This ESMP is intended to provide a framework that ensures transparency and effective consultation, impact prevention, minimisation, mitigation and / or off-setting measures to address the identified environmental and social impacts associated with the project.

The report documents stakeholder engagement which will be inclusive, transparent, and efficient and aligned with FRA consultation activities to meet country safeguards requirements. The consultation process will be carried out on an on-going basis throughout the project cycle and provide timely disclosure of relevant information that is understandable and readily accessible to affected persons. The report documents how the relevant views of affected persons and other stakeholders will be incorporated into decision making, such as design options, mitigation measures, development benefits and opportunities, and project implementation through to the operation phase. Volume Two will include specific details raised during consultation and identify affected parties for each site.

## 1.3. Shared Approach

The Shared Approach for Management of Environmental and Social Risks and Impacts for the Pacific Island Countries ('Shared Approach'), published by the Pacific Region Infrastructure Facility (PRIF) in June 2021, has been endorsed by the PRIF Members<sup>3</sup>. The Shared Approach is an agreed approach for harmonizing environmental and social risk and impact management in projects which may be financed by multiple PRIF members. Given that the financing for the project beyond this project has yet to be confirmed, the FRA, ADB and WB have agreed approach to safeguards is the most appropriate.

The Shared Approach sets out methods and procedures for addressing safeguard/environmental and social issues in project design and implementation in a manner suitable to the Pacific Island countries, recognizing a number of challenges and conditions unique to the Pacific. Further, it provides for standard, consistent and Pacific-appropriate approaches to the management of environmental and social issues commonly encountered in the preparation and implementation of projects in the Pacific.

For the preparation of this project the WB, ADB and FRA have agreed that the WB Environmental and Social Framework (ESF) will be the safeguards procedures followed for the due diligence and documentation.

It is noted that future development partner(s) supporting project implementation will need to undertake a review of screening forms and ESMP to identify any additional information that may be required to ensure their internal project processing requirements are met, that site information is current and if any legislation has been updated or newly relevant to the project.

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<sup>3</sup> PRIF Pacific member countries are Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Papua New Guinea is an associate member.

## 1.4. Structure of this Report

The ESMP will document the environmental and social assessment utilising a three volume approach agreed with ADB and WB and described below..

### 1.4.1 Volume One

Volume One, which is this report, contains information that is not site specific and is common for the whole project. It covers all 40 bridges and three maritime structures proposed to be upgraded and has been developed based on the Shared Approach as the financing for implementation has not yet been determined.

A screening form covering relevant elements and aspects of the World Bank ESF requirements (see *World Bank Environmental and Social Policy for Investment Project Financing*, Paragraph 20) has been developed (See Appendix E). The screening form is being completed for each of the 40 bridges and three maritime structures. It identifies the risk rating (High, Substantial, Moderate, or Low), prior to preliminary engineering designs, detailed site specific technical studies, or mitigation specified within a CESMP, being implemented.

The results of the screening will be incorporated into Volume Two (refer to section 1.4.2) and help determine the detailed studies and level of assessment to be undertaken for each site.

Given the assessed level of risk prior to commencing screening, no site specific technical studies have been undertaken during the preparation of Volume One. The information contained in the report is based on a high level review of existing information and site characterisation from field visits and consultation. This high level review is assisting with the pre-feasibility assessment of the preferred alignment option for each bridge and maritime structure.

Volume One is structured to include general information regarding the location of the priority bridges and the maritime structures. This Volume will contain information that is not site specific and is common for the whole project and contains:

- Introduction including description of the three-volume approach to ESMP,
- Policy and legal framework,
- Description of overall project,
- Overview of institutional arrangements (roles and responsibilities),
- Stakeholder Engagement Plan and Grievance Redress Mechanism, and
- Labour Management Procedures.

### 1.4.2 Volume Two

Volume Two will contain the information more directly relevant to the Construction Contractor and is the information specific to each bridge site. This includes identifying baseline environmental and social conditions, completing a risk and impact assessment, and detailing site specific mitigation, which will be incorporated into the CESMP that will be required to be implemented by the contractor.

Volume Two will be prepared for each priority group of bridges and the three maritime structures, resulting in five separate versions of Volume Two. In summary, the contents of Volume Two include:

- General information (by geographic area)
- Baseline environmental and social conditions (common to geographic area e.g. climate, demographics)
- Design and construction information (general to all, e.g. general bridge design, equipment, materials, workforce)

- Specific information (for each specific structure)
- Baseline environmental and social conditions (specific to the site and subproject area)
- Description of the subproject (including activities/works, earthworks, land requirement, materials, equipment, construction period, drawings, and figures to be included)
- Consultations undertaken and feedback
- Assessment of risks and impacts and identification of required mitigations
- CESMP (including matrix, institutional arrangements specific to the subproject, monitoring, and reporting)
- Conclusions and recommendations.

### 1.4.3 Volume Three

Volume Three will contain any site specific additional technical information that will be determined as being necessary following screening and consultation where there are high risk classification sites. It is noted that this will include any required land due diligence, which can only be confirmed following screening and development of design for each structure. Volume Three may include, but not be limited, Land Acquisition and Resettlement Plan(s), Marine Ecological Assessments, Site Specific Surveys, and Valuations. Volume Three will contain these specialist studies and Volume Two and the CESMP will be updated, as required, for each specific subproject to incorporate the findings and mitigation of risks from any additional assessments.

## 1.5. ESMP Study Team

The following team has been involved in the preparation of this ESMP:

Table 1-1 ESMP Study Team

Team Member	Role
Manisha Nandan	Environmental Specialist
Sheila Fong	Social Specialist
Jacqueline Hughes	Land Acquisition and Resettlement Specialist
Julia Whippy	Social Development Specialist
Cushla Loomb	International Safeguards Expert
Adam Fraser	International Safeguards Expert
Cole Burmester	International Safeguards Specialist
Connon Andrews	Climate and Disaster Expert
Helen Sykes	Marine Ecologist

## 2 Legal and Policy Framework

### 2.1. Country Safeguards System

#### 2.1.1 Environmental Management Act (2005) and Regulations

The main legislation governing this project is the Fiji *Environmental Management Act 2005* (the *Act*). The *Act* provides a framework for national coordination and planning in relation to environmental matters and grants broad powers to government agencies to control environmentally harmful activities. The *Act* establishes a National Environment Council whose function is (among other things) to approve, monitor and oversee the

implementation of a National Environment Strategy. Of relevance to the project is the role of the Department of Environment (DoE - EIA unit) in implementing and carrying out the Environmental Impact Assessment (EIA) process.

Section 4 of the *Act* requires that any proposed development activity that is likely to cause significant impact on the environment shall be required to undergo an EIA process which includes screening, scoping, preparation of EIA, reviewing and decision-making. In this context, "environment" is taken to include all aspects of the natural and human environment. Section 32 of the *Act* states that a condition of any approved EIA must be that proponents are required to prepare and implement a CESMP, monitoring program, protection plan or mitigation measure, which may be subject to inspection by the EIA administrator, or an approving authority.

In order to carry out an EIA study, the first stage of this process is the completion and lodgement of an *EIA Screening Application* with the Department of Environment (DoE). A Determination Letter will be issued by DoE stating whether an EIA study is required for the project or not. Once the Determination Letter has been issued by DoE, further environmental compliance requirements can be pursued. A Determination Letter will be issued within 10 days from the date of lodgement. The processing fee is FJD\$242.22 (to be paid by FRA).

If an EIA study is required under the *Act*, the EMA / EIAP2 EIA Processing Application Form is to be completed and lodged with the DoE. The application is to accompany a processing fee (to be paid by FRA) which is calculated based on the anticipated development cost of the project.

A Terms of Reference (ToR) will be developed by the DoE as required by the Environment Impact Assessment Guideline and Environmental Management Act Regulations. A ToR will be issued within 30 working days from the date of lodgement of the EMA / EIAP2 EIA Processing Application Form with DoE.

The *Act* (Part 5) establishes a waste and pollution permit system that aims to protect the environment by controlling the release of solid and liquid wastes, the emission of polluting gases, smoke and dust, and the handling, storage and disposal of waste and hazardous substances.

The *Environment Management (Waste Disposal and Recycling) Regulations 2007* gives the Waste and Pollution Control Administrator power to issue permits for solid and liquid waste discharge and air discharges.

Section 8 (1) of the regulations states:

- "8. - (1) A solid or liquid waste permit may relate to either construction or operation of a facility or any premises.*
- (2) A construction waste permit -*
- (a) relates to solid or liquid waste and pollutants generated during construction or demolition of premises of a facility; and*
- (b) lapses upon completion of the construction or demolition work"*

The operation of the project will generate a number of waste streams including domestic waste from the work force. A solid waste permit may be required to dispose of construction materials.

### **2.1.2 I'Taukei Land Trust Act (Cap 134)**

The I'Taukei Land Trust Act as cited as the Native Land Trust Act provides control and administration of native land. The Act is divided into 4 parts:

- i. Part 1 (s. 1 - 3) contains preliminary provisions and establishes a Native Land Trust Board (Board).
- ii. Part 2 (s. 4 - 14) regulates control of native land. Control of all native land shall be vested in Board. Makes provision for transfer, alienation, lease and control of native land.
- iii. Part 3 (s. 15 - 18) deals with native reserves. Board may designate any portion of native land as native reserve. Prohibits alienation of land in native reserve.

iv. Part 4 (s. 19 - 36) contains miscellaneous provisions.

### **2.1.3 Crowns Land Act 1978**

The Crown Lands Act [Cap 132] 1978 applies to all public lands in Fiji including the foreshore and beds of rivers and streams. The Act allows for the purchase of freehold title and native title land by the Crown, and also permits the Crown to lease or licence the use of Crown land.

The Act requires Ministerial approval for the construction and maintenance of bridges, passages or tunnels on or under public roads, or over or under any river, including dredging of rivers (Part VI, Section 25). Ministerial approval is required to allow for the obstruction of public passage on public land where this is essential for construction and maintenance activities.

### **2.1.4 Rivers and Streams Act 1985**

The Rivers and Streams Act [Cap 136] 1985 establishes Crown ownership over all rivers and streams, as well as riverbeds and streambeds throughout Fiji. The legislation also secures public access to streams, rivers and river margins. This includes a public easement along the edge of all rivers for a width of 20 feet (approximately six metres), measured from the ordinary waterline in the wet season and the highest spring tide.

Private owners or lessees of land adjacent to rivers are required to apply for a licence from the Director of Lands prior to the construction of any structure within or adjacent to a river which may restrict public access. This may include a wharf, pier, landing place, building or other permanent structure (Section 10.1).

The Act also allows for the grant of temporary water rights for water to be abstracted from rivers by adjacent property owners. These water rights are issued by the Director of Lands during drought periods and may last up to a year.

### **2.1.5 Public Health Act 1935**

The Public Health Act [Cap 111] 1935 is the Law of Fiji relating to public health to prevent diseases and to promote and maintain public health. Under the Act, the Central Board of Health have made regulations and issued notices with matters pertaining to public health. The Central Board of Health, subject to the provisions of the Public Health Act, have general powers of supervision and inspection over several local authorities.

Due to the outbreak of the COVID-19 pandemic in December 2019, and again in April 2021, the Fiji Government reviewed and passed the Public Health (Amendment) Act 2021 which introduces amendments to Part 7 of the Act. Part 7 of the Act relates to Infectious Diseases, which now includes the COVID-19 pandemic.

All work under the project must meet the requirements of the Public Health Act, including any direction of the Fiji Government in regard to restrictions of movement between villages / islands and outbreak control measures.

### **2.1.6 Health and Safety at Work 1996**

The Health and Safety At Work Act (HASAWA) 1996 and amendments, govern workplace safety in Fiji (including waters, land and airspace). The legislation requires that both the employer and employee work in unison to improve the health and safety standards of a workplace. The legislation will need to be satisfied throughout the duration of the project to provide for the well-being of workers (and the general public). The HASAWA stipulates clear objectives within each sub-section, a summary of which is provided below:

- i. Part II – General Duties Relating to Health and Safety at Work: Encompasses the duties of employers to maintain the safety of all workers.
- ii. Part III – Workplace arrangements. Encompasses the establishment of a health and safety committee/representative within a workplace and their responsibilities.

- iii. Parts IV – Statistics: Encompasses the notification and recording of accidents under the HASAWA.
- iv. Part V – Safety Education and Accident Prevention.
- v. Part VI – Advisory Board: Create an Occupational Health and Safety Education and Accident Prevention Fund and an Advisory Board.
- vi. Part VII – Health and Safety Inspections: Contains provisions relating to health and safety inspectors.

Under the HASAWA 1996 – Part III Workplace Arrangement, Section 21 (1) covers the responsibilities of employers to health and safety representatives and committees whereby an employer is to notify the Ministry of Labour OHS (i.e. the Chief Health and Safety Inspector) following any workplace injury. The Health and Safety at Work (Administration) Regulations 1997, which is a subsidiary legislation under HASAWA states that the Regulations shall apply to all workplaces to which the relevant provisions of the HASAWA apply with its associated forms and procedures.

### **2.1.7 Health and Safety at work (General Workplace Conditions) Regulations 2003**

The Health and Safety at Work (General Workplace Conditions) 2003 is applicable to all work places (land, sea and air) with an exception to mining, quarrying, explosive, exploration, domestic service and special operations of the Defence Force.

The Amendment identifies 27 sub-sections, which relate to a wide spectrum of work environments and work activities which a Fiji employee will likely experience when conducting its work. The 27 sub-sections define the minimum workplace standards and expectations that an employer is to provide to its workers to create a safe and acceptable standard for various work environments.

In 2021, the General Workplace Conditions were amended to include mandatory vaccinations for COVID-19 for all employees. The Regulations make mandatory vaccination against COVID-19 a requirement for entry into the work premises for the employee and the employer.

### **2.1.8 Health and Safety at Work (Administration) Regulations 1997**

These Regulations apply to all workplaces to which the relevant provisions of the HASAWA apply with respect to forms and procedures. This includes procedures related to:

- Notification and recording of accidents, incidents, or disease occurring at a workplace, or any other matter that affects the health or safety of any person.
- Notification to the Chief Health and Safety Inspector of certain workplaces that employ more than 20 staff.
- Penalties for offences related to health and safety.
- Registration, examination, and commissioning requirements for specified plant.
- Fees payable for matters specified.

### **2.1.9 Health and Safety at Work (Training) Regulations 1997**

These Regulations provide for accreditation of courses and trainers for special occupational health and safety training, and for the training of health and safety committee representatives. They apply to all workers in Fiji and aboard Fiji ships and aircraft but does not apply to domestic workers.

Part II stipulates that all employers shall ensure the health and safety of their workers. Part III covers workplace arrangements. Establishments of under twenty workers may elect a safety representative; establishments with over 20 workers are required to set up a health and safety committee. Parts V and VI create an Occupational

Health and Safety Education and Accident Prevention Fund and an Advisory Board. Part VII contains provisions relating to health and safety inspectors.

### **2.1.10 Preservation of Objects of Archaeological and Paleontological Interest Act (Cap 264)**

The Preservation of Objects of Archaeological and Paleontological Interest Act stipulates the procedure to be undertaken in the event of discovery of an archaeological and/or paleontological object of interest at the project site during construction works. As stipulated in the Act, any findings of cultural interest including traditional burial grounds, old village sites, etc. are to be preserved and consultation shall be undertaken with the Fiji Museum on the most appropriate action or measures to be taken.

The Fiji Museum is responsible for upholding the Preservation of Objects of Archaeological and Paleontological Interest Act.

### **2.1.11 Fiji Roads Authority Decree 2012**

The Fiji Roads Authority (FRA) was formed through the FRA Decree 2012, known as the Principal Decree, and subsequent amendments. The purpose of the Decree was to establish the FRA and to make provision for the effective management and administration of the road systems in Fiji.

The Decree transferred all “assets, interests, rights, privileges, liabilities and obligations” in relation to national and municipal roads to the FRA. The Department of National Roads and municipal councils were previously responsible for this role.

Under the FRA Decree, FRA is responsible for all matters pertaining to construction, maintenance and development of roads in Fiji. This includes *inter alia* the planning, designing, construction, maintenance, and renewal of all public roads, bridges and maritime structures, as well as road safety and traffic management. FRA is granted “all such powers as may be reasonably necessary or convenient” for the purpose of carrying out its functions under the Decree.

This Decree gives the FRA authority to undertake maintenance and replacement works on existing bridge and crossings infrastructure.

### **2.1.12 Roads Act 1915**

The Roads Act 1915 (and subsequent amendments) applies to all public roads, except those roads within the limits of any town. Under the Act, a public road is defined as:

“any road, street or thoroughfare...and includes all carriageways, cartways, bridletracks and pathways as well as all bridges, drains, dams, embankments, causeways, fences and ditches belonging or appertaining to a public road and such waste land adjoining any public road as may be reserved for its protection or benefit by order by the Minister”.

All roads that were maintained by the Public Works Department prior to 1966 are deemed to be public roads. This includes, or is in addition to, roads that have been gazetted and scheduled in Section 3 of the Act. It is noted that no new roads have been gazetted since 1981.

### **2.1.13 State Lands Act 1945**

According to the State Land Act 1945, all public lands in Fiji, including the foreshore and the soil under the water of Fiji, which are for the time subject to the control of the State is classified as State Land.

For works to be undertaken which utilises foreshore area, an approval is required by the Minister of Lands.

### **2.1.14 Land and Water Management Bill 2016**

The Land and Water Management Bill replaced the Land Conservation and Improvement Act 1953 which is deemed by government to be outdated. The purpose of the Bill is to make provisions for the management,

conservation and improvement of land and water resources and for other related matters. Under the Bill, a Land and Water Resources Management Board will be established to oversee the general supervision of land and water resources in the country.

### **2.1.15 Biosecurity Act 2008 and Biosecurity Emergency Regulations 2010**

The Biosecurity Act 2008 was created to prevent entry of animals and plants and diseases into Fiji and to control their establishment and spread in Fiji. It also facilitates international cooperation to prevent the spread of pests and diseases affecting plants, animals, humans and the environment. The introduction of the Biosecurity Act attempts to control the negative consequences of the accidental introduction of pests and diseases through numerous mechanisms including: prohibiting the import of certain goods and requiring quarantine; decontamination and fumigation procedures to be conducted at ports and other points of entry.

The Biosecurity Emergency (Terminates) Regulation 2010 prohibits the removal of any wooden material, plants and plant products, timber and building material, furniture, personal effects and soil from known infested and problematic areas around the globe.

### **2.1.16 Climate Change Act 2021**

The Climate Change Act 2021 was created: to establish a comprehensive response to climate change; to provide for the regulation and governance of the national response to climate change; to introduce a system for the measurement, reporting and verification of greenhouse gas emissions and for similar related matters.

The Act provides a framework and direction which enables the government to meet the following fundamental objectives:

- To reduce the production of greenhouse gases and accurately measure that reduction in accordance with international law standards.
- To boost Fiji's efforts at carbon sequestration (i.e. the removal and storage of carbon in its natural environment).
- To respond and adapt to the destructive effects of climate change.
- To improve the health and security of Fiji's oceans for a number of reasons including the role of the ocean in mitigating the effects of climate change.
- Secure and coordinate sustainable climate financing for Fiji.

The Climate Change Act 2021 was introduced through the Climate Change Bill 2019. This Bill has also guided the formation of a number of policies and other government initiatives such as the National Climate Change Policy, the National Adaptation Plan, the Low Emissions Development Strategy, and the Trust Fund for the planned relocation of communities in Fiji.

### **2.1.17 Quarries Act 1939**

The Quarries Act provides for controlled regulations associated with the creation and running of quarries. Under section 2, the Act covers the definition of a quarry as defined by the Ministry (as opposed to a mine). This includes excavations and places where rock, earth, clay, sand, soil, gravel, limestone or other mineral substances are extracted. Section 4 grants the Minister the power to direct and determine matters pertaining to quarries. As a consequence, extensive regulations have been made under this Act.

### **2.1.18 Mining Act 1966**

The Mining Act repealed the mining ordinance and makes provisions relating to prospecting for and mining precious metals and other minerals. The Mining Act sets out where mining may be carried out and by whom,

thereby regulating land use. Regulations 59 and 82 in the Mining Regulations contain provisions relating to the unlawful use of the natural water resource or pollution of raw water.

### **2.1.19 Endangered and Protected Species Act 2002, Amendment Act and Regulations**

The Endangered and Protected Species Act 2002 regulates and controls the international and domestic trade, ownership and the transportation of protected species under the Convention of International Trade in Endangered Species (CITES) of wild fauna and flora. The CITES Management Authority and CITES Council were established under the Act to ensure that the rules and regulations are enforced. There are restrictions in-place for the importation and exportation of listed fauna and flora hence, a permit is required.

In 2017, the Act was amended to include a detailed list of fauna and flora which can be imported and exported.

The Endangered and Protected Species Regulations 2003 is a subsidiary legislation under this Act. The Endangered and Protected Species Regulations 2003 has implemented provisions from the Engendered and Protected Species Act 2002 particularly for: fees, forms, registration of trades, categories of permits and certificates, conditions for exemptions and procedures for appeal.

### **2.1.20 Land Conservation and Improvement Act 1953 (includes water resources)**

The Land Conservation and Improvement Act makes provision for the conservation and improvement of land and water resources in Fiji. Under Sections 4 and 5 of the Act, a Land Conservation Board is appointed to provide general supervision over the use and utilization of land and water sources.

### **2.1.21 National Biodiversity Strategies and Action Plans (NBSAPs) 2020 – 2025**

The National Biodiversity Strategies and Action Plans (NBSAP) supports the protection of Fiji's unique biodiversity and essential ecosystem goods and services which support the national economy, livelihoods and local food security. The first NBSAP was developed by the Department of Environment (DoE) under the Ministry of Local Government, Housing and Environment in 2003 and endorsed by Cabinet in 2007.

The purpose of this policy is to ensure that the surrounding environment (i.e. terrestrial, freshwater and marine diversity) and ecological processes and ecological functioning system are conserved and used in a sustainable fashion.

The six priority focus areas which are addressed under the policy are:

- i. Capacity building,
- ii. Development of protected areas,
- iii. Management and protection of species,
- iv. Prevention of the introduction of invasive species,
- v. Enabling environment for biodiversity conservation,
- vi. Sustainable use and development.

### **2.1.22 Town Planning Act 1978**

The Town Planning Act 1978 establishes the tools and processes for the planning, restriction and approval of development across the Country. The different parts of the Town Planning Act establish the scope and key facets of the planning system.

- **Part I** establishes the role of the Director of Town and Country Planning, who is responsible for implementing the Town Planning Act and the Subdivision of Land Act

- **Part II** describes Town Planning Schemes, which provide planning tools and regulations for development within local areas. Part III – outlines the functions of City, Town Councils and Rural Local Authorities who have powers to prepare, implement and enforce planning schemes
- **Part III** of the Town Planning Act states that local councils are responsible for the implementation of Town Planning Schemes, subdivision of land and building development in urban areas, whereas Rural Local Authorities manage subdivision of land and building developments within their districts
- **Part IV** provides for additional operational aspects of the Act, such as power of entry for inspection purposes, the service of notices, and the preparation of regulations to prescribe matters relevant to the implementation of the Act.

This Act is relevant to the project in that City, Town Councils and Rural Local Authorities will be key stakeholders to involve in consultation to identify any particular considerations in their jurisdictions that may need to be taken into account in the impact assessment and mitigation measures.

### **2.1.23 The State Acquisition of Lands Act 1940**

Land acquisition in Fiji is governed under the State Acquisition of Lands Act (SALA). Under this Act, all types of land can be acquired for public purposes. The law provides that in cases of land acquired for public purposes, legal title holders have a right to compensation. The law also provides for the right of landowners to legal proceedings for solving disputes and grievances. The customary rights of indigenous peoples without formal title are also protected. An acquisition under this Act may also not proceed unless reasonable justification for its acquisition has been provided.

This Act guarantees compensation to those with recognised legal rights or interests in land. Compensation is paid at market values effective from the date at which notice of the State's intention to acquire the land is given. Structures are, however, compensated only at book/depreciated values. Compensation includes for land, crops and trees, damage to portions of land not acquired (if any), changes in use and restrictions on use of any non-acquired portions – and any reasonable expenses associated with necessary changes of residence or places of business.

The Valuation Division within the Department of Lands under the Ministry of Lands and Mineral Resources is responsible for the negotiation and acquisitions of land required for public purposes. The Valuation Division works together with the FRA and the landowners or interested parties with freehold or state tenure. However, in the event the land to be acquired is native lease or native reserve tenure, iTaukei Lands Trust Board (iTTLTB) would also be included as part of the acquisition process, together with the respective traditional landowners and any existing leaseholders or sitting tenants on the property.

### **2.1.24 National Air Pollution Control Strategy 2007**

The National Air Pollution Control Strategy was endorsed by Cabinet in 2007 as required under the Environmental Management Act (2005). The strategy's mandate is to reduce air pollution, strengthen coordination and raise awareness on the importance of conserving and protecting the environment from the effects of air pollution. This is achieved through the provision of permits to facilities discharging waste and pollutants into the environment.

### **2.1.25 National Marine Spill Contingency Plan**

The National Marine Spill Contingency Plan is a commitment by the Government of Fiji to protecting its valuable coastal and marine resources from the threat of marine pollution incidents. The Plan reflects the essential steps necessary to initiate, conduct, and terminate an emergency spill response on, or into the navigable waters of the Fiji Islands, on the adjoining shorelines, the waters of the contiguous zone, or into waters of the exclusive economic zone.

In the event of a marine pollution incident, all government departments and agencies, oil companies, shipping companies and other relevant parties are encouraged to follow the procedures laid down in this Plan.

## **2.2. Codes of Environmental Practice**

The Fiji Codes of Environmental Practice (COEP) are set out to provide minimum environmental standards and ensure that appropriate procedures are undertaken to reduce the environmental impact of various activities related to road works and services. Each of the phases of the project, i.e. planning, design, construction, operation and maintenance are interrelated and have differing potential to effect (either adversely or beneficially) the environment.

Below is a brief discussion on some of the aspects of the COEP that are relevant to the project.

### **2.2.1 COEP 1 – Administrative Procedures**

The COEP applies to all projects undertaken by FRA. This COEP refers to the Environment Management Unit of the former Public Works Department. The role shall be assumed by environmental staff within the FRA. The purpose of the COEP is to provide for all personnel engaged in road construction and maintenance to be trained on an annual basis by FRA in the requirements of the COEPs. All tenderers for nationally competitively bid work are to produce evidence of training, otherwise the tender will be declared invalid. A minimum of the Construction Manager, Quality Manager, Overseer and Foreman are to be trained within each company.

All projects are to involve consultation with the Department of Environment (DoE) wherein an EIA Screening Process is to be completed. The requirements for environmental assessment in the COEP are largely superseded by the Environment Management Act 2005 and Environment Management (EIA Process) Regulations 2007.

### **2.2.2 COEP 2 – Planning, Designing and Construction**

The COEP provides a guideline for all those involved in planning, design, construction and maintenance of roads and crossings. All planners, designers and contractors are to be aware of the need for the COEP including the relevant procedures and to be able to implement systems for the prevention or mitigation of adverse environmental effects of road projects.

### **2.2.3 COEP 3 – Consultation**

It is essential that consultation with all stakeholders takes place. Dialogue and meaningful participation with stakeholders should take place and the effects of the project on the communities are discussed.

### **2.2.4 COEP 4 – Land Acquisition and Compensation**

The objective is to minimise land acquisition. When unavoidable, land acquisition shall be carried out in such a manner so as to minimise the adverse impacts on the affected people. It is essential that those affected understand the necessary mechanisms and procedures for systematic resolution of land acquisition, compensation or other land related issues. It is also important that the various stakeholders involved in planning, design, construction and operation and maintenance of Fiji roads understand the legal and land acquisition procedures. This will help to ensure there is continuity and consistency across the project and the same message is being given to everyone.

### **2.2.5 COEP 5 – Construction Camps**

The objective of this project is to prescribe selection, development, maintenance and restoration of construction camp sites in order to avoid or mitigate against significant adverse environmental effects, both transient and permanent.

### 2.2.6 COEP 6 – Erosion Control

The objective of this section is to define measures for the prevention of erosion of exposed earth surfaces as a result of road construction. It describes measures that are to be taken to mitigate significant adverse effects of discharge of water containing suspended soil particles into natural water courses or onto land adjacent to road works.

### 2.2.7 COEP 7 – Slope Stability

The objective of this section is to prescribe the investigation of, and the design procedures for, road batter slopes as well as the protective measures to be installed to minimise erosion. Batter slopes and hence batter limits should be determined at the design stage so that land acquisition advised at the EIA stage is accurate.

### 2.2.8 COEP 11 – Drainage

The COEP 11 shall be taken into account, that is, to implement and design infrastructure such that drainage systems are able to discharge their design flow without overtopping or surcharging.

### 2.2.9 COEP 12 – Traffic Control during Construction

The objective of this section is to prescribe methods that are to be used for the safety and control of traffic during the upgrading, reconstruction or maintenance activities on any roads. This will include the following:

- Workers on site shall wear reflectorised coloured jackets
- Traffic signs used for warning or direction of traffic at road work sites shall comply with the schedules and signage contained in the Fiji Traffic Regulations. Homemade signs shall not be used
- All roads should have at least one lane open for the passage of traffic at all times unless otherwise provided for in the form of temporary deviations.

## 2.3. Multilateral Environment Agreements

Table 2-1 outlines the Multilateral Environment Agreements (MEA) which are a legally binding instrument between two or more nation states which deal with various aspects of the environment. The MEA's play a critical role in defining, regulating and administrating the overall framework of environmental laws and conventions of a particular country.

Fiji is a participating member of the MEA's listed below, with further details provided in Appendix D:

Table 2-1: List of International and Regional Environmental Agreements

International Environmental Instrument
<p>Climate Change</p> <ul style="list-style-type: none"> <li>• United Nations Framework Convention on Climate Change (UNFCCC)</li> <li>• Kyoto Protocol</li> <li>• Paris Agreement</li> </ul>
<p>Hazardous Waste and Pollutants</p> <ul style="list-style-type: none"> <li>• Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</li> <li>• Stockholm Convention on Persistent Organic Pollutant</li> </ul>
<p>Biodiversity</p> <ul style="list-style-type: none"> <li>• Convention on Biological Diversity</li> <li>• Cartagena Protocol on Biosafety</li> <li>• Convention of International Trade in Endangered Species</li> <li>• Convention on Migratory Species</li> </ul>

- Convention of Wetlands (Ramsar)
- World Heritage Convention

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#### Regional Agreements

- Noumea Convention
- 

## 2.4. Environmental and Social Framework

The World Bank (WB) Environmental and Social Framework (ESF) sets out the WB's commitment to sustainable development, through a Bank Policy and a set of Environmental and Social Standards (ESS) that are designed to support Borrowers' projects, with the aim of ending extreme poverty and promoting shared prosperity.

As previously introduced in section 1.3, the ESF meets the Shared Approach agreed with FRA, ADB and WB and so is the preferred framework to guide the preparation of this ESMP.

It is again noted that future development partner(s) supporting project implementation will need to undertake a review of screening forms and ESMP to identify any additional information that may be required to ensure their internal project processing requirements are met, that site information is current and if any legislation has been updated or newly relevant to the project.

Below is a brief discussion on the ESS that are relevant to the project.

### 2.4.1 ESS1

ESS1 Assessment and Management of Environmental and Social Risks and Impacts sets out the Borrower's responsibilities for assessing, managing and monitoring environmental and social risks and impacts associated with each stage of a project supported by the Bank through Investment Project Financing (IPF), in order to achieve environmental and social outcomes consistent with the Environmental and Social Standards (ESSs).

### 2.4.2 ESS2

ESS2 Labor and Working Conditions recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.

### 2.4.3 ESS3

ESS3 Resource Efficiency and Pollution Prevention and Management recognizes that economic activity and urbanization often generate pollution to air, water, and land, and consume finite resources that may threaten people, ecosystem services and the environment at the local, regional, and global levels. This ESS sets out the requirements to address resource efficiency and pollution prevention and management throughout the project life-cycle.

### 2.4.4 ESS4

ESS4: Community Health and Safety addresses the health, safety, and security risks and impacts on project-affected communities and the corresponding responsibility of Borrowers to avoid or minimize such risks and impacts, with particular attention to people who, because of their particular circumstances, may be vulnerable.

### 2.4.5 ESS5

ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement - involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate

measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented.

#### **2.4.6 ESS6**

ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources recognizes that protecting and conserving biodiversity and sustainably managing living natural resources are fundamental to sustainable development and it recognizes the importance of maintaining core ecological functions of habitats, including forests, and the biodiversity they support. ESS6 also addresses sustainable management of primary production and harvesting of living natural resources and recognizes the need to consider the livelihood of project-affected parties, including Indigenous Peoples, whose access to, or use of, biodiversity or living natural resources may be affected by a project.

#### **2.4.7 ESS8**

ESS8: Cultural Heritage recognizes that cultural heritage provides continuity in tangible and intangible forms between the past, present and future. ESS8 sets out measures designed to protect cultural heritage throughout the project life-cycle.

#### **2.4.8 ESS10**

ESS10: Stakeholder Engagement and Information Disclosure recognizes the importance of open and transparent engagement between the Borrower and project stakeholders as an essential element of good international practice. Effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation.

## **3 Overall Project Description**

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### **3.1. General**

The continuous economic growth of Fiji has resulted in increased sea and land traffic that has accelerated the deterioration of transport infrastructure in combination with climate change and natural disaster impacts. Despite steady economic improvement, the quality of the infrastructure in Fiji continues to lag. Less than optimal infrastructure leads to higher economic costs, restricts community access which in turn undermines business potential and economic activities.

To address these issues, the Government of Fiji (GOF) is being supported by the Asian Development Bank (ADB) via the TISSP, and the World Bank (WB) via the TIIP, collectively hereinafter called, the Investments. The Investments will meet FRAs aim to improve access to socioeconomic opportunities by supporting the government to upgrade and rehabilitate land and maritime transport infrastructure.

The investments are financing the preparation of a project that will upgrade (repair or replace) 40 critical bridges and three maritime structures nationwide (hereinafter referred to as the project). The 40 bridges have inadequate capacity and poor condition. Many of these bridges are suffering damage, including collapsed embankments, eroded slope protection, collapsed bridge approaches and clogged drainage structures. The 3 maritime structures (Nabouwalu, Natovi and Savusavu) remain operational, but the structures are in poor condition with inadequate facility for safe and secure mooring. These structures are prone to further deterioration from the impact of climate change and natural disasters.

The 40 bridges have been grouped by FRA into four different levels of priority replacement based on their current condition and access restrictions (i.e. urgency for repair or replacement).

Table 3-1 - Summary of Locations of Project Bridge Assets

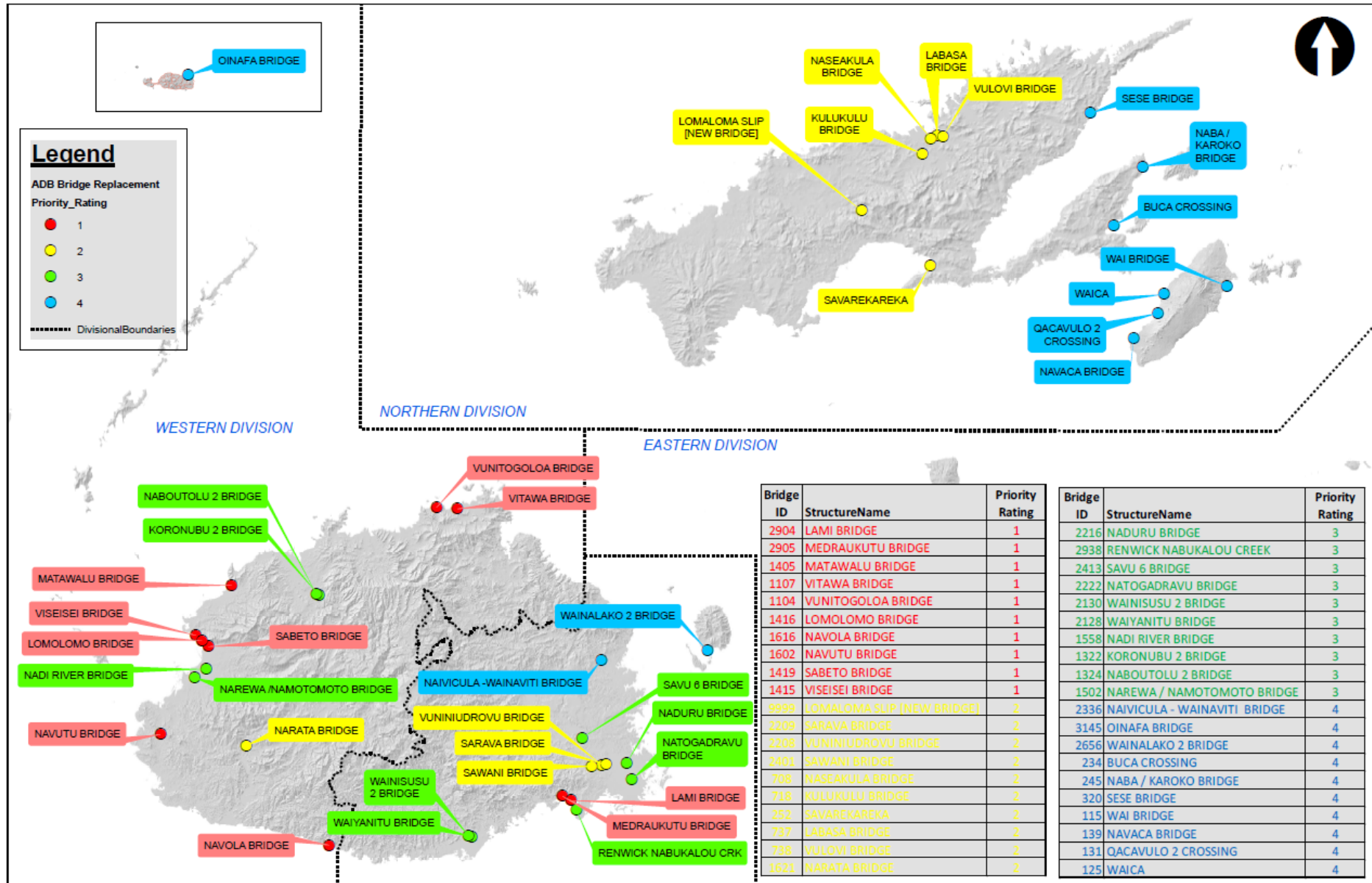
Priority	Asset Type	Name	Location
1	Bridge	Medraukutu Bridge	Viti Levu Island - Central Division
		Lami Bridge (two lanes)	Viti Levu Island - Central Division
		Navutu Bridge	Viti Levu Island - Western Division
		Vunitogoloa Bridge	Viti Levu Island - Western Division
		Viseisei Bridge	Viti Levu Island - Western Division
		Vitawa Bridge	Viti Levu Island - Western Division
		Navola Bridge	Viti Levu Island - Western Division
		Matawalu Bridge	Viti Levu Island - Western Division
		Sabeto Bridge	Viti Levu Island - Western Division
		Lomolomo Bridge	Viti Levu Island - Western Division
2	Bridge	Sarava Bridge	Viti Levu Island - Central Division
		Vuninuidrovo Bridge	Viti Levu Island - Central Division
		Sawani Bridge	Viti Levu Island - Central Division
		Narata Bridge	Viti Levu Island - Central Division
		Labasa Bridge	Vanua Levu Island - Northern Division
		Savarekareka Bridge	Vanua Levu Island - Northern Division
		Kulukulu Bridge	Vanua Levu Island - Northern Division
		Vulovi Bridge	Vanua Levu Island - Northern Division
		Naseakula Bridge	Vanua Levu Island - Northern Division
		Lomaloma Slip Bridge	Vanua Levu Island - Northern Division
3	Bridge	Nadi River Bridge	Viti Levu Island - Western Division
		Natogadravu Bridge	Viti Levu Island - Central Division
		Waiyanitu Bridge	Viti Levu Island - Central Division
		Naduru Bridge	Viti Levu Island - Central Division
		Savu 6 Bridge	Viti Levu Island - Central Division
		Wainisusu 2 Bridge	Viti Levu Island - Central Division
		Renwick Nabukalou Creek Bridge	Viti Levu Island - Central Division
		Koronubu 2 Bridge	Viti Levu Island - Western Division
		Narewa Namotomoto Bridge	Viti Levu Island - Western Division
		Naboutolu 2 Bridge	Viti Levu Island - Western Division
4	Bridge	Oinafa Bridge	Rotuma Island
		Wainalako 2 Bridge	Eastern Division
		Naivicula - Wainaviti Bridge	Viti Levu Island - Central Division
		Navaca Bridge	Taveuni Island
		Buca Crossing	Vanua Levu Island - Northern Division
		Qacavulo 2 Crossing	Taveuni Island
		Sese Bridge	Vanua Levu Island - Northern Division
		Waica Bridge	Taveuni Island
		Wai Bridge	Taveuni Island
		Naba / Karoko Bridge	Vanua Levu Island - Northern Division

Table 3-2 – Summary of Locations of Project Maritime Structure Assets for Geotechnical Investigations

Priority	Asset Type	Name	Location
-	Maritime Structure	Natovi Jetty	Viti Levu Island - Central Division
		Savusavu Jetty	Vanua Levu Island - Northern Division
		Nabouwalu Jetty	Vanua Levu Island - Northern Division

Below is a map showing the locations of the projects.

Figure 3-1 Map Showing the Locations of the Projects (source: FRA, 08/06/22)



## 4 Overview of Institutional Arrangements

The overall roles and responsibilities for environmental and social risk management for the Project are outlined in the table below. An organisation chart showing the linkages between institutions/stakeholders (including beneficiaries) is shown in Figure 4-1.

Table 4-1 - Roles and Responsibilities for Environmental and Social Risk Management

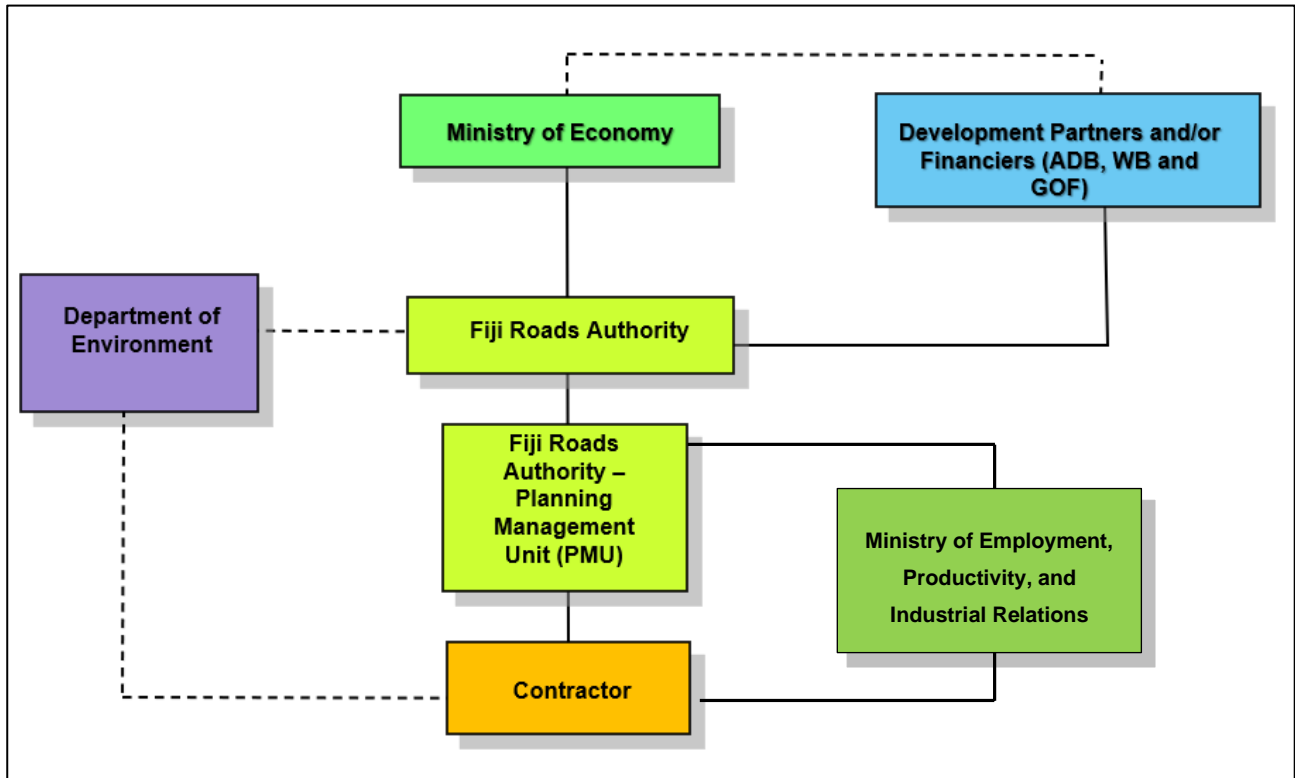
Responsibility	Role
Ministry of Economy (MOE)	<ul style="list-style-type: none"> <li>• Guide the development of the project and institutional arrangements for the lifetime of the project</li> <li>• Ensure FRA has budget and resources to implement the project</li> <li>• Ensure that MOE complies with loan covenants and project agreements</li> </ul>
Fiji Roads Authority (FRA)	<ul style="list-style-type: none"> <li>• Ensure that the PMU is fully staffed and functional during the entire period of project implementation</li> <li>• Recruit, administer and supervise project management and technical consultants as required to assist the PMU deliver the project</li> <li>• Maintain website to facilitate disclosure of project information</li> </ul>
FRA – Planning Management Unit (PMU)	<ul style="list-style-type: none"> <li>• Ensure compliance with grant covenants, project agreements, development partners guidelines, procedures, and policies</li> <li>• Provide day-to-day support for project preparation and implementation activities</li> <li>• Review consultants' reports and ensure the outputs are suitable to the project objectives and government policies and regulations</li> <li>• Undertake screening of each subproject and submit to Development Partners for no objection</li> <li>• Updating and submission of due diligence reports and documents, including safeguards, to Development Partners for review and clearance</li> <li>• Submit reports and documents for clearance under MOE systems (laws and regulations)</li> <li>• Refinement of project priorities in agreement with MOE</li> <li>• Support to bid and contract document preparation including cleared EIA and development consent issued by DOE</li> <li>• Provide support as required to contractor as they prepare their construction ESMP (CESMP)</li> <li>• Review and clear CESMP (including Development Partners review) prior to contractor commencing any activities on site</li> <li>• Provide information to FRA for disclosure on the project page on FRA website</li> <li>• Maintain the overall project grievance redress mechanism (GRM) registry/record sheet and summarize for disclosure on project webpage</li> <li>• Review contractor implementation of GRM</li> <li>• Inspect and audit supervision consultant's monitoring and contractor compliance with approved CESMP</li> <li>• Submit periodic reports, including semi-annual safeguards monitoring reports, to Development Partners and executing agency</li> <li>• Reporting, investigation and response to incidents utilising WB Environment and Social Incident Response Toolkit</li> <li>• Overall monitoring and reporting and disclosure of reports</li> </ul>

Responsibility	Role
Department of Environment (DOE)	<ul style="list-style-type: none"> <li>Review applications and make determinations for EIA and development consents</li> <li>Develop and issue a Terms of Reference (ToR) for any required EIA as required by the EIA Guideline and Environmental Management Act Regulations.</li> <li>Review, monitor, and inspect the CESMP, including the monitoring program, protection plan or mitigation measure to ensure compliance with any approved determination</li> </ul>
Ministry of Employment, Productivity and Industrial Relations	<ul style="list-style-type: none"> <li>Promote the Health and Safety at Work Act 1996 (HASAWA), its regulations, and Codes of Practice.</li> <li>Audit of health and safety management systems in workplaces, inspection of workplace plants and machinery, and the registration of workplaces, plants and hazardous substances, and chemicals, in accordance with the health and safety legislation.</li> <li>Conduct health and safety training to employers and workers of acceptable preventive actions to prevent occupational deaths, injuries, and diseases related HIV and AIDS in the workplace.</li> <li>Facilitate, provide advice on, and enforce, safety engineering principles to improve reliability, health and safety in all workplaces through the application of recognized standards, Codes of Practice, and best practices to improve technological compliance and minimize health and safety risks.</li> <li>Provide health and safety awareness to businesses, NGO's, private organisations, statutory authorities, and Government Departments.</li> <li>Promotion of principles and rights at work standards, and compliance functions of Employment Relations Act (ERA) 2007 and its subsidiary Regulations.</li> <li>Provide mediation services, where necessary, to assist parties to explore options and arrive at a fair and amicable outcome.</li> <li>Processing / Payment of compensation to workers and/or their dependents pertaining to injuries or death occurring at workplace.</li> </ul>
Development Partners and/or Financiers (ADB, WB, and GOF)	<ul style="list-style-type: none"> <li>Review project implementation through stages and review of reports</li> <li>Provide clearances (no objection) to required reports/documents, bid documents and bid evaluation reports, contract awards, CESMP, monitoring reports, disclose reports</li> <li>Provide support and assistance to FRA and PMU as required</li> </ul>
Contractor	<ul style="list-style-type: none"> <li>Prepare and implement CESMP</li> <li>Ensure all workers are aware of CESMP provisions and requirements</li> <li>Ensure all workers are aware of project's GRM and maintain GRM registry/record sheet</li> <li>Designate an environmental, health and safety officer responsible to oversee, monitor and record implementation of CESMP</li> <li>Report on CESMP implementation on a monthly basis to PMU</li> <li>Obtain all consents and permits as required for the works</li> <li>Develop and maintain accident and incident registry</li> <li>Prepare and submit monthly reports; provision of regular training as outlined in CESMP</li> <li>Ensure all management are aware of CESMP provisions, responsibilities and requirements.</li> </ul>

Responsibility	Role
	<ul style="list-style-type: none"> <li>Ensure all workers and management understand, agree, adhere to and sign Codes of Conduct (management or worker)</li> </ul>

Please note, depending on financing of implementation of the project, and if development partners are to be involved, executing, and implementing agencies will be further detailed in the updating of the document.

Figure 4-1 Organisation chart of institutions/stakeholders



## 5 Stakeholder Engagement and Grievance Redress Mechanism

### 5.1. Purpose of Stakeholder Engagement

The purpose of Stakeholder Engagement is to ensure that the stakeholders of this project are well informed and given the appropriate opportunity to be consulted and engaged. Stakeholder engagement will provide an inclusive and meaningful consultation process in order to inform the design and decision-making. It aims for an effective implementation process by facilitating stakeholder consultations (of which the results of consultations undertaken will be reported in Volume Two), encouraging support and understanding for the project through timely and accurate dissemination of information, enabling safety and respect throughout the project by adhering to National Fijian Laws, World Bank ESF and the Shared Approach, possible financier(s) requirements and following local customs.

All stakeholder engagement will be undertaken in accordance with a Stakeholder Engagement Plan (SEP). The SEP will be developed in accordance with the WB ESF ESS10 requirements, which recognise the importance of open and transparent engagement between the Project and project stakeholders as an essential element of good international practice. This reflects that effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation.

Stakeholders (as detailed in Section 5.2 of this report) will be engaged to review the SEP and provide comments, including on the proposals for future engagement. The over-arching objectives of the SEP and stakeholder engagement process is:

- To establish a process for identification and participation of stakeholders and beneficiaries, including distinguishing between project-affected parties and other interested parties.
- To describe the timing and methods of engagement with stakeholders throughout the life cycle of the Project, as well as the type of information to be sought from them.
- To receive information about project sites and concerns and issues about project works from adjacent and affected communities and people.
- The distribution of full and accurate project information to stakeholders including activities, locations, potential impacts, and mitigation measures.
- To confirm the participation of stakeholders by working with local authorities, engaging with local communities through key leaders and vulnerable groups, and the dissemination of information in a culturally appropriate manner.
- To describe the measures that will be used to remove obstacles to participation to provide a meaningful consultation process with the stakeholders that fosters communication through dialogue and enquiries.
- The inclusion and participation of all affected groups, where possible, including those who are potentially Vulnerable or Disadvantaged, such as Women, Youth, Elderly, People living with disability, and Indigenous Persons. Where applicable, the SEP will include differentiated measures to allow the effective participation of those identified as disadvantaged or vulnerable.
- To articulate who is responsible for this process with the PMU safeguards office to support this process.
- To provide a smooth and equitable transition for any land acquisition or resettlement required for the project.
- To confirm a grievance redress mechanism (GRM) process is put in place and accessible to the community, to identify its purpose and to also provide guidance to the process. The GRM will include,

as a minimum, specific guidance to deal with Gender Based Violence, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH). The GRM will also have to be in accordance with the WB Environment and Social Incident Response Toolkit guidelines.

- To enable stakeholder feedback to be received and incorporated/considered.

## 5.2. Identifying Key Stakeholders

A stakeholder can be defined as “an individual or groups or institutions who can, or are likely to, influence the course of a project and / or be affected (favourably or negatively) by the project.” Those who are directly or indirectly affected by the project are key stakeholders and their input must be accounted for.

Marginalized groups including women, the elderly, and the disabled are particularly vulnerable and are at greater risk of being disproportionately impacted. These groups have separate experiences and viewpoints that must be accounted for throughout the project. Stakeholder engagement processes are designed so that these vulnerable groups are represented and able to contribute to project design.

Stakeholder participation and communication is essential in both the preparation of the project and its subsequent implementation. Lack of stakeholder inclusion will likely result in non-inclusive and underrepresented data. However, over engagement with communities can lead to stakeholder burnout. Therefore, a balanced approach to the sharing of information during the project phases, as well as obtaining relevant information from consultation associated with other projects, is crucial.

The identified stakeholders of the project include:

- i. Key Government Stakeholders
- ii. Communities Affected by the Project
- iii. Other Government Departments and Authorities
- iv. Transport Users
- v. Servicing Providers, Statutory Authorities, and the Private Sector / NGO

The main project stakeholders, along with their interests and roles in the project are listed in Table 1. Tier 1 stakeholders reflect those that are directly impacted by the projects. These stakeholders will only be able to be determined once a preferred option for each bridge is selected and conceptual design completed. Tier 2 stakeholders will have an interest in the project but will not be directly impacted. The stakeholder engagement plan and communication strategy cover both Tiers 1 and 2 stakeholders in Section 5.4 and 5.5.

Table 5-1 Stakeholder Analysis

Stakeholders	Interests in the Project	Role/Influence in the Project
<b>Key Government Stakeholders</b> <ul style="list-style-type: none"> <li>• Ministry of Economy</li> <li>• Fiji Roads Authority</li> </ul>	<ul style="list-style-type: none"> <li>• Project implementation</li> <li>• Safeguards inputs and review / approval for environment, social, and resettlement</li> <li>• Coordination among different departments, authorities, and the community / public</li> <li>• Review of deliverables as per the project contract</li> <li>• Successful implementation and completion of the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Managing of the project activities</li> <li>• Consultation on project and relevant activities (FRA)</li> <li>• Coordination of project and relevant agencies</li> <li>• Ensuring participation and feedback mechanisms are in place</li> <li>• Ensuring the appropriateness of safeguards and that they are implemented.</li> </ul>

		<ul style="list-style-type: none"> <li>• Compliance with COVID-19 health and safety guidelines</li> </ul>
<b>Tier 1</b>		
<b>Communities / Households Affected by the Project</b>	<ul style="list-style-type: none"> <li>• Community members and households who would be impacted by project works.</li> <li>• Identification of possible social and environmental impacts such as access to water sources or livelihood, access to services, land acquisition resulting in relocation / resettlement, noise and dust pollution during construction, clearance of significant vegetation or crops, pedestrian safety, damages to personal property and produce / crops, or public amenities like parks, etc.</li> <li>• Persons with disabilities who use the various bridges to access various services.</li> </ul>	<ul style="list-style-type: none"> <li>• Be provided with the project information and help inform design.</li> <li>• Consultation on what the project is, what the potential impacts are, and mitigation measures to be taken.</li> <li>• Consultation with community on their perspective of the project and any concerns that they might have.</li> <li>• Concerns to be taken into consideration and addressed through mitigation measures and the design of structures.</li> <li>• Help to inform the land acquisition and resettlement process (if applicable) and ensure they are dealt with in an appropriate manner.</li> <li>• Provide feedback and submit grievances during the project.</li> </ul>
<b>Tier 2</b>		
<b>Other Government Departments and Authorities:</b>	<ul style="list-style-type: none"> <li>• Information sharing</li> <li>• Support the implementation of the project</li> <li>• Improvement of local economy and infrastructure</li> <li>• Improved marine and road access and safety of users</li> <li>• Significant environmental, social, historical, archaeological, sites of national significance, land acquisition and resettlement requirements, and health and safety issues and impacts</li> <li>• Identifying key mitigation measure for the project as part of the design phase</li> <li>• Issues with existing bridge access and design</li> <li>• Disaster risk management issues</li> </ul>	<ul style="list-style-type: none"> <li>• Confirming upgrades and improvements follow national standards</li> <li>• Granting of approvals and compliance with legislation</li> <li>• Establishing communication lines and protocols / processes for community stakeholder participation including the Indigenous People and vulnerable groups</li> <li>• Distribution of information</li> <li>• Inputs for mitigation measures for potential impacts.</li> </ul>
<ul style="list-style-type: none"> <li>• Department of Lands</li> <li>• iTaukei Land Trust Board (iTLTB)</li> <li>• Commissioner Central / Easter / Northern / Western Office</li> <li>• District Office / Provisional Council</li> <li>• Respective Municipal Councils</li> <li>• Ministry of Waterways and Environment</li> <li>• Mineral Resources Department (MRD)</li> <li>• Ministry of Fisheries</li> <li>• Department of Town and Country Planning</li> <li>• iTaukei Land and Fisheries Commission (iTLFC)</li> </ul>		

<ul style="list-style-type: none"> <li>Ministry of Women, Children and Poverty Alleviation (MWCPA)</li> <li>Ministry of Employment, Productivity, and Industrial Relations</li> <li>Fiji Museum</li> <li>Fiji Navy</li> <li>National Disaster Management Office</li> </ul>		
<p><b>Transport Users:</b></p> <ul style="list-style-type: none"> <li>General Public</li> <li>Public Transportation (Taxis, Buses, Mini Buses)</li> </ul>	<ul style="list-style-type: none"> <li>Commute delays during construction</li> <li>Pedestrian Safety</li> <li>Load restrictions for vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>Be provided with project information</li> <li>Concerns to be taken into consideration during design and addressed through mitigation measures</li> <li>Provide feedback and submit grievances.</li> </ul>
<p><b>Service Providers, Statutory Authorities, and Private Sector:</b></p> <ul style="list-style-type: none"> <li>Water Authority of Fiji</li> <li>Energy Fiji Limited</li> <li>Telecom Fiji Limited</li> <li>Fiji Sugar Corporation</li> <li>Fiji Ports Authority</li> <li>Shipping, Freight, and Manufacturing Companies</li> <li>Maritime Shipping Authority</li> <li>Retailers Associations</li> <li>Chamber of Commerce offices</li> </ul>	<ul style="list-style-type: none"> <li>Cooperation with implementing agencies for success of the project</li> <li>Confirming the project avoids service lines or mitigates any potential disruptions to these services</li> <li>Companies affected due to traffic delays</li> <li>Retailers, business owners and who use the bridges mainly in town areas</li> </ul>	<ul style="list-style-type: none"> <li>Be provided with project information</li> <li>Consultation on the project impacts and mitigation measures</li> <li>Consultation on location of service material and structures.</li> <li>Provide feedback and submit grievances.</li> </ul>
<p><b>Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs):</b></p> <ul style="list-style-type: none"> <li>Fiji Disabled People's Association</li> <li>Fiji Cycling</li> <li>Fiji Society of the Blind</li> <li>Fiji Womens and Children's Crisis Centres</li> </ul>	<ul style="list-style-type: none"> <li>Identification of possible social and environmental impacts such as access to services, land acquisition resulting in relocation / resettlement, noise and dust pollution during construction, pedestrian safety, damages to personal property or public amenities like parks, impacts of bridge construction and labour affecting women and children, including domestic violence issues and abuse etc.</li> <li>Persons with disabilities who use the various bridges to access various services.</li> </ul>	<ul style="list-style-type: none"> <li>Be provided with project information</li> <li>Consultation on the project impacts and mitigation measures</li> <li>Consultation on location of service material and structures.</li> <li>Provide feedback and submit grievances.</li> </ul>

### 5.3. Stakeholder Engagement Limitations with Fiji's COVID-19 Situation

All stakeholder consultation activities and the Stakeholder Engagement Plan (SEP) will be developed considering current COVID-19 Health Guidelines as provided by the Ministry of Health and World Health Organisation (WHO). This allows for proportional and timely responses.

## 5.4. Stakeholder Engagement Strategy

### 5.4.1 Geographical Approach

Consultation on the Project generally reflects the geographic area of the bridges and maritime structures. This assists with cost and logistical efficiency in the collation of information (including gathering information for all bridge priority structures within the area). For example, bridges and the maritime structures located in the Northern Division on Vanua Levu Island will be consulted on at the same time. These are all Priority 2 and 4 bridges. However, there are some variances, mainly due to programme efficiency. The Natovi Jetty will be included into the Eastern Division consultations despite being on Viti Levu Island and close to the Central Division, to reflect that the design options and alternative sites for the maritime structures would not have been progressed until after Priority 4 design options are completed.

It is noted that for all consultations the ability to conduct workshops with the community will be dependent on the Fiji Health Authority and WHO guidance in relation to the COVID-19 pandemic at the time. While there are currently no restrictions, this could change at short notice in the future and may mean that some aspects of the consultation (and wider programme) will be amended. Any changes will be discussed with stakeholders as identified in the SEP.

### 5.4.2 Previous Engagement Activities

The stakeholder engagement process is described in detail in Section 5.4.3 below. However, some initial consultation, undertaken in accordance with that process, has already occurred. This included the first round of consultation for Priority 1 and 3 bridges in September 2021/October 2021 in the Central and Western Divisions (located on Viti Levu Island). This consultation occurred during a period of strict COVID-19 travel restrictions and protocols (including no interisland travel).

The outcomes and responses received during this initial engagement will be recorded in Volume Two, alongside all other consultation to be completed.

### 5.4.3 Stakeholder Engagement Process

#### a. Process

Stakeholder Engagement for the bridges and maritime structures will include two rounds of consultations. The first round of consultation is to provide stakeholders with project information including options for preliminary alignments for temporary bridge options, replacement of existing bridge and / or new bridge alignment options. Engagement with communities adjacent to the maritime structures will occur in a similar way.

This first round of consultation will raise awareness and enable the stakeholders to provide feedback and insight into the project area as well as raise any social and environmental concerns. This information will help inform the selection of the preferred option for each bridge/maritime structure and the screening for potential impacts (as a first stage of the safeguards assessment).

The second round of consultation is to provide an update to the stakeholders regarding the project, summary of site investigations and data gathered, and present finalised details and design considerations and analysis, for further feedback and concerns. During this consultation the engagement team will describe how comments raised during the first round of consultation have been taken into account in structure design and a discussion on impacts and mitigation measures will be held. This information will inform detailed design of each bridge/maritime structure.

#### b. Consultation Venue

Venues for community consultation meetings shall include, but may not be limited to, Churches, Mosques, Police Stations, Schools, Municipal Council meeting rooms, the Rokos office or District Officer's offices and will be assessed for availability. The community meeting venues will need to be located in close proximity to

the proposed bridge location to avoid travelling long distances and delays. However, if there is no other option for nearby venues, the Project Team will coordinate transport and discuss with FRA subsidising attendees travel costs.

#### c. Stakeholder Meeting Attendees

Both Tier 1 and 2 stakeholders will be invited to the consultation meetings.

Tier 1 stakeholders will include communities and households that are likely affected by the project. The community members will also include vulnerable and minority groups in the community such as women, youth, elderly, and persons living with disabilities. For both rounds of consultation, Tier 1 stakeholder consultation meetings will include the heads of the communities affected including the Turaga ni Koro (Village Headman), the Turaga ni Yavusa (Head of the Tribe), Turaga ni Mataqali (Head of the Clan), and the Mata ni Tikina (District Representative). Also in attendance will be a community Advisory Councillor, the Conservation Officer, the District Officer, and a member of the Project Team and FRA safeguards representative.

Tier 2 stakeholders such as government agencies and departments and the general public or bridge and maritime structure users, as well as industry users and service providers will also be included in both rounds of consultation meetings. Tier 2 stakeholders are likely to be interested in the project and may have some information or concerns to contribute that can be factored into the design assessment and decision-making process.

Meeting attendees will need to adhere to the Fiji Health Authority and WHO guidance in relation to the COVID-19 pandemic at the time. This could include requiring that all attendees be required to be fully vaccinated as per national guidelines.

Email invitations will be sent out to the government agencies and departments on the various meeting dates and venues. Community leaders and Provincial Office/District Office representatives will be contacted by telephone and email with the meeting details. A public notice will be advertised in the daily newspapers and announced on the radio in 3 languages (English, Fijian and Hindi) advertising the meeting dates and venues for the various bridges. The same public notice will also be posted on the Fiji Roads of Authority's Facebook Page.

#### d. Stakeholder Feedback

After the first round of meetings, community leaders will act as intermediaries to brief and disseminate the project information to the affected communities and come back within 2 weeks with any feedback or issues raised by the community members. These intermediaries will include government facilitators and community leaders including the District Officer (DO), Roko Tui's Office, village headman (Turaga ni Koro), the Advisory Councillor members and the local Conservation Officer from the Provincial Office, who will be briefed on the project. A questionnaire and information pack will be developed to assist the Project intermediaries in gathering relevant information from the community. The relevant Conservation Officer together with the Turaga ni Koro, will also assist with filling out a generic survey with information on the community to inform a community profile as part of social safeguards. This will be coordinated with the regular surveys undertaken by the Provincial Office for efficiency in collating the information. The distribution and collection of these surveys will be assisted by the Conservation Officer. The questionnaires, available in English, iTaukei, or Hindi, will gather more specific information from residents relating to the use of the site where the temporary / permanent bridge is being proposed, and their opinions about the proposed bridge works specific to their area and surrounds particularly if they were not able to attend the meeting in person. The same applies for the location and impacts associated with the three maritime structures.

The Tier 2 stakeholders will also be given a 2-week timeframe to submit their comments, concerns or queries to the Safeguards Project Team for the Design team's consideration. Note, if there is specific data that the Tier 2 stakeholders have that could be shared with the Project Team, an email will be sent out to formally request the information.

## 5.5. Communications Process and Protocols

Communication with stakeholders will comprise of 3 Phases:

- Phase 1: Dissemination of Information
- Phase 2: Information Gathering and Consultation
- Phase 3: Feedback.

As previously highlighted, all stakeholder consultation activities will be undertaken in accordance with the current COVID-19 Health Guidelines as provided by the Fiji Ministry of Health and WHO. In the event that the COVID-19 situation changes, the means of communication may change to allow for greater accessibility and in person community consultation meetings. Any changes will be clearly documented in the SEP and communicated with stakeholders.

### 5.5.1 Phase 1: Dissemination of Information

- Briefing of Community Leaders about the Project: The government facilitators and community leaders including the District Officer (DO), Roko Tui's Office, village headman (Turaga ni Koro), the Advisory Councillor members and the local Conservation Officer from the Provincial Office will be briefed on the project and used as intermediaries to inform their affected communities and households. They will use the print out of the PowerPoint presentation including any design images provided to them as part of the first round of consultation meetings.
- Communications through local news outlets: Advertisements will be placed in the newspaper and through the radio (in English, Fijian and Hindustani) to stakeholders such as road users, service providers, government agencies and the general public to attend the public zoom meeting. Government Stakeholders will also be formally written to, to invite them to join the zoom meeting.
- Short Videos / Information Package posted on social media (optional): Upon receiving permission from various Government agencies (including but not limited to the FRA and the Provincial Offices) a short message will be put on social media platforms, such as Facebook, advertising the public zoom meeting for all the bridges within each Division.

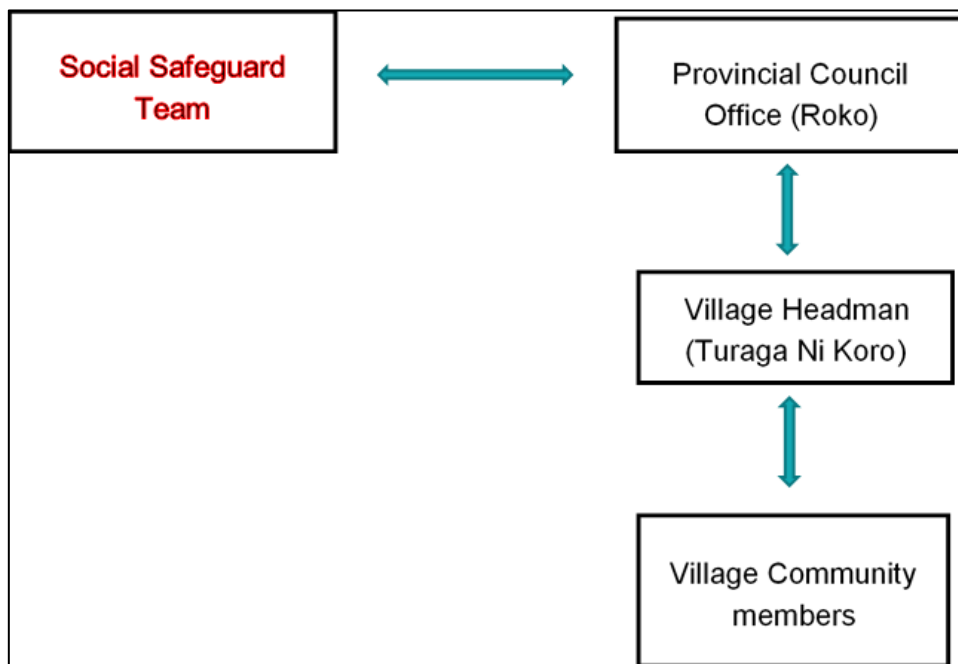
### 5.5.2 Phase 2: Information Gathering and Consultation (as per Stakeholder Engagement Strategy)

- Data Gathering from Authorities: Various authorities, depending upon their area, will be contacted for information. These contacts will mainly be made through video conferencing, emails, and phone calls. General village and settlement information and available services will be sought from the Turaga ni Koro of the area as well as from the Advisory Councillors for the respective settlements.
- Focus Groups: After providing information to the local government authorities and leaders, these leaders may hold focus groups discussions with vulnerable communities such as women, youth, people with disabilities, the elderly and other groups to discern further information pertaining to areas of interest that the Turaga ni Koro and the Advisory Councillor may not be able to provide. Those holding the focus groups will be provided the key questions and means of recording the sessions so that the information can be documented and incorporated into the design.
- Questionnaires: Generic survey questionnaires will be provided to the Turaga ni Koro and Advisory Councillors to answer. The Conservation Officer will assist in the completion of the information with the help of the Provincial Administrator and Provincial Office's periodic Community Profile. Separate questionnaires will be distributed and collected by the respective Conservation Officer to answer project specific questions relating to the use of the site, any key environmental or social issues such as flooding information and household information for those potentially directly affected properties.

The surveys will then be collected by the Turaga ni Koro / Advisory Councillor / the Conservation Officer and passed along to the project team via EMS Courier.

- The consultation process within different communities must take into account the traditional protocols required when consulting with Indigenous People. Consultations within a village compared to outside of the village boundary will have different requirements that must be met (see below).
- Village Consultation Process: When undertaking community consultation or outreach in the iTaukei (the Indigenous People) villages, a communication protocol set out by the Provincial Council Office must be adhered to. An initial consultation with the Provincial Council Office headed by the Roko Tui will be held to discuss the purpose and preferred date and time for the initial meeting. It is the Roko who will be responsible for contacting the Turaga ni Koro to set a date and time for consultation with a selected group of villagers. This process will be undertaken generally in accordance with Figure 5-1 below.
- A traditional protocol must be adhered to when conducting a meeting with the iTaukei village communities. On the scheduled meeting date, visitors are required to present their sevusevu (traditional offering) to the village, customarily in the form of yaqona (kava). This is a formal affair where the yaqona is presented to the village headman who will then discuss the intentions of the meeting. The sevusevu will have to be arranged ahead of time for the Turaga ni Koro to receive so that he can present the sevusevu on behalf of the project team to the village community.

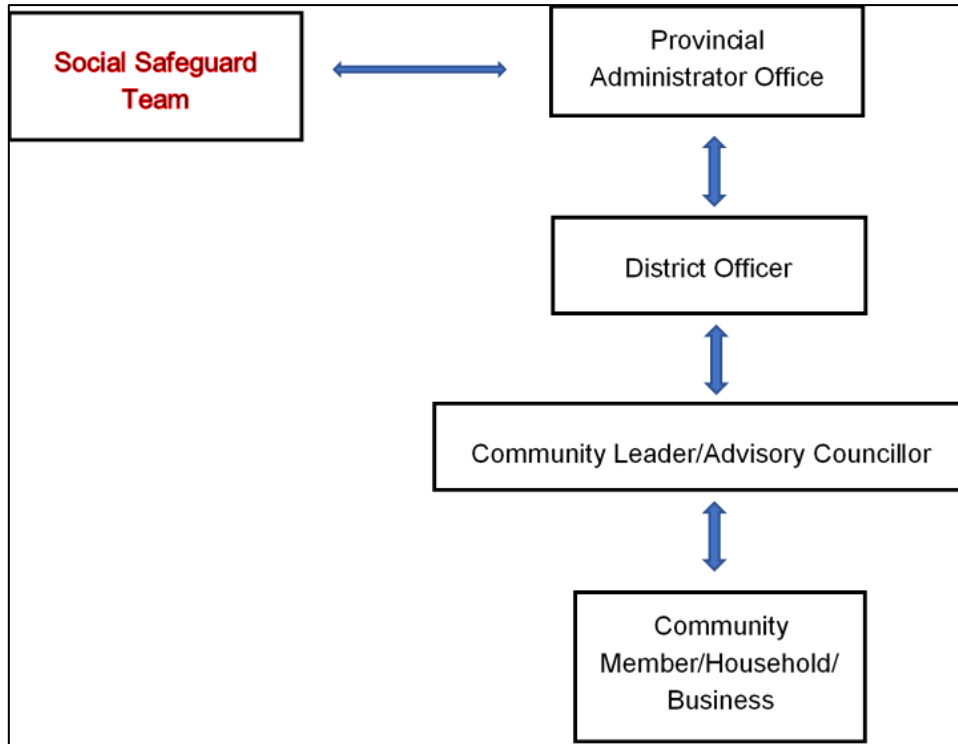
-Figure 5-1 Communication Channel for Village Communities



- If village meetings are permitted under COVID-19 Health Guidelines as provided by the Fiji Ministry of Health and WHO, then suitable attire must be worn including, removing hats and sunglasses in the village. Women must wear long skirts or dress below knee length. All COVID-19 protocols at the time of the village meeting must be adhered to at all times together with adherence to the Project Occupational Health and Safety (OHS) Plan.
- Consultation process outside of the village setting: Reaching out to communities within the informal settlement or surrounding households/businesses, a Provincial Administrator within the Commissioner’s Office will be approached first with the purpose, date and time of intended meeting. The Provincial Administrator together with the respective District Officer will be responsible for contacting the community leader or community members to invite them to the consultation meeting

with the communities. No traditional protocols apply since the community is outside of the village setting and is often comprised of different ethnic backgrounds. This process is illustrated in Figure 5-2 below.

Figure 5-2 Communication Channel for Nearby Settlements, Households or Business



### 5.5.3 Phase 3: Feedback

- Feedback from key stakeholders: Feedback will be sought from the stakeholders. A register will be created to collate feedback provided in writing, email, or phone.
- Grievance Redress Mechanism: A grievance redress mechanism (GRM) will be put in place and stakeholders will be informed on how to submit any grievance that arises. The GRM will be accessible for stakeholders to submit grievances, while also following the Project Health and Safety plan.

## 5.6. Potential Issues and / or Risks for the Stakeholder Engagement Plan (SEP)

Some of the potential risks and issues relating to the SEP are described below:

Risk	Mitigation Measure	Responsibilities
Travel restrictions due to COVID-19	Flexible stakeholder engagement plan that uses various modes of multimedia to reach stakeholders and continue communications in terms of dissemination of information and gathering data in order to get a timely response.	Ministry of Health and Project Team
COVID-19 presents a severe health risk for any field work or in person engagement	Follow all National COVID-19 Health Guidelines as provided by the Ministry of Health and WHO.	Project Team and Stakeholders
Programme delays	Set realistic project schedules and reviewing project schedules regularly.	Project Team
Commercial reality – design driven by cost	Clear and concise communication with regards to bridge design options during 1 <sup>st</sup> consultation phase	Project Team
Raising high expectations of the stakeholders	Ensuring that adequate data and preliminary design details are presented during the 1 <sup>st</sup> round of consultation meetings to control stakeholder expectations, especially with regards to funding requirements. Ensure that stakeholders are aware of the GRM procedures	Project Team and Community leaders
Occupational Health and Safety (OHS) Concerns	Ensure the project has a good OHS Plan and training is providing to all project staff and workers. Ensure that the OHS plans have all the equipment required to be administer for compliance	Ministry of Labour Project Team Project staff and workers Selected Contractor
Reliability of Data Gathering	Clear communication on what data is required. Use translated materials in the appropriate language for the community and leaders to understand.	Project team
Sensitive land and resettlement issues	Communicate with the landowners clearly and disseminate the land and resettlement procedures	Project team
Political constraints	Remain apolitical and ensure that the institutional arrangements are reviewed and followed throughout the project	Project team and Implementing Partners

## 5.7. Grievance Redress Mechanism

A Grievance Redress Mechanism (GRM) is necessary during project implementation, in order to address community or stakeholder conflicts, complaints and grievances relating to the Project, and these will need to be resolved in a fair and transparent manner to reduce exposure to risks. The GRM is also necessary to promote a harmonious relationship between FRA and its Project stakeholders/community members in order to enhance their acceptance of the project.

Potential conflicts can be avoided through a consultative and participatory planning process involving affected communities. If communities are well engaged and informed, it can reduce the occurrence of disagreements and conflicting positions. However, where grievances do occur, it is important that there is a process in place to have them resolved quickly before positions strengthen and disagreements escalate.

A GRM is established with clear processes for use and reporting, that the stakeholders and community members are aware of and understands what the GRM represents and that those managing the GRM understand their role and responsibility when processing and responding to feedback received (e.g. Sensitive and appropriate responses to Sexual Exploitation and Abuse, Gender Based Violence and Sexual Harassment feedback).

The grievance procedures consist of four key steps including:

- Proper documentation of all grievances including recording, categorizing, and prioritizing, and
- A discussion mechanism for hearing and resolving the grievances in consultation with the complainant(s) and other stakeholders, and,
- Informing the aggrieved parties about the solutions, and
- Provisions for appeals to higher authorities in the event of dissatisfaction by any affected persons.

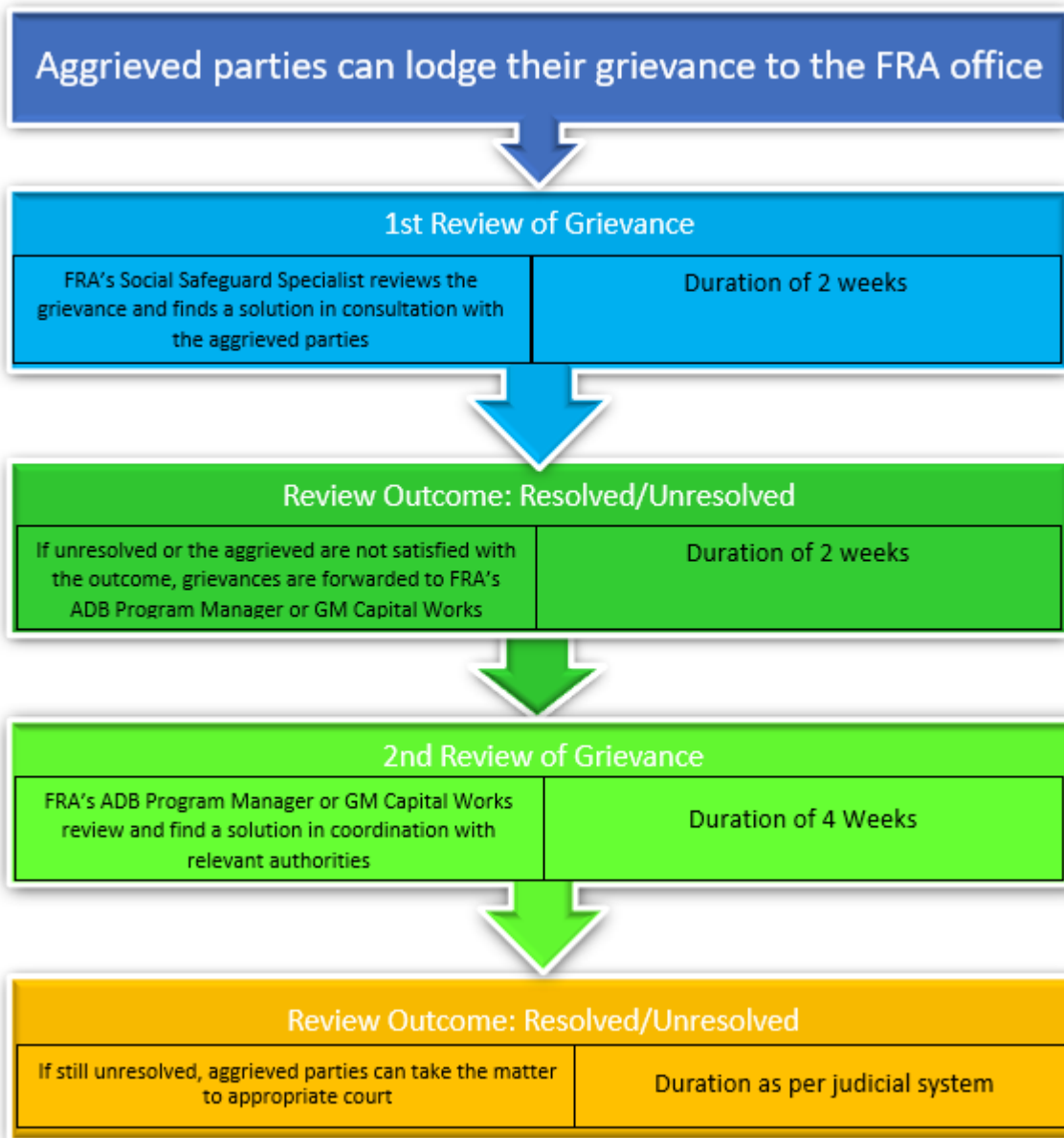
FRA has an established GRM and conflict resolution procedure and is experienced with implementing GRM through various other projects. The FRA's established GRM procedures is based on their existing FRA Customer Service System. The objective of the GRM is to allow people who may believe that they are affected by the subproject to report grievances and seek satisfactory resolution as they arise with no fear of retribution. The affected community members have the right to express dissatisfaction and submit complaints, and they have the right to make a claim if there is a resulting impact on their land, assets, and/or livelihood.

Language barriers and insufficient literacy levels shall not withhold any person from lodging a complaint. The Grievance form (see Appendix B) shall be written and available in English, Fijian/iTaukei, and Hindi, as appropriate and disclosed to all potential Project Affected Persons prior to any compensation or construction activities. FRA project or site staff shall assist those with verbal grievances to complete the form.

The FRA GRM can be adapted as required for specific project staging requirements (i.e. Preliminary Design & Feasibility stage, Environmental & Social Assessment stage, Construction stage and Operational/Maintenance stage, and implemented following FRA project approval for effectivity and appropriate responsibilities for responding and reporting. Prior to construction commencement, regulatory authorities, landowners and businesses shall be made aware of the GRM process and be given guidance on relevant steps to lodge a complaint. Grievance Forms (see Appendix B) shall be provided where required and the GRM shall be discussed in any community consultation sessions.

The existing GRM process operated by FRA is shown below in the Flowchart (Figure 5-3) and detailed in Table 5-1.

Figure 5.3 - Grievance Redress Mechanism Process



Note: If a complaint is received through the project or GRM relating to Sexual Exploitation and Abuse (SEA) or Sexual Harassment (SH), then the complainant is referred to a specialist service provider (currently Women and Children Crisis Centre (WCCC)) considering privacy and the survivor centred approach. For more information, please refer to the WB Environment and Social Incident Response Toolkit guidelines.

### 5.7.1 The Grievance Reporting & Redress Process

The following list outlines the process to be followed in the event of a complaint, concern, or grievance:

1. Any person can take a grievance or lodge a complaint, in any form (either in person, telephone, or written) but the complaint must be recorded on a Grievance Form (see Appendix B) on site or through the FRA Customer Service System by phone, which will then be referred to the FRA Safeguards Specialist.
2. On receipt of a complaint, the FRA Safeguard Specialist will log the details in a grievance or complaints register and ensure that the Grievance Form (see Appendix B) is filed.

- a. The register will record complaints by date, name, contact address and / or phone number if available, and reason for the complaint. If the Aggrieved Person(s) desires, their identity may be kept anonymous, but the nature of their concern must still be recorded.
  - b. The register will show who is dealing with the complaint and whether it is being referred to other parties, the date the complaint was made, the date when the Aggrieved Person(s) was informed of the decision, and how the decision was conveyed to the Aggrieved Person(s).
  - c. A duplicate copy of the entry must be given to the Aggrieved Person(s) making the complaint for their record at the time of registering the complaint. The duplicate copy and a Complaint number will be given to the Aggrieved Person(s), together with an explanation of the procedure that will be followed in assessing the concern or complaint.
3. The FRA Safeguard Specialist will review the grievance or compliance and find a solution to the matter raised, in consultation with the Aggrieved Person(s).
    - a. For straight forward grievances, an on-the spot determination may be made to resolve the issue within 24 hours.
    - b. For more difficult grievances, the Recipient will report back the outcome of the review to the Aggrieved Person(s) within one week and will make a determination to close out the grievance or complaint within two weeks. This decision will be undertaken in consultation with the Aggrieved Person(s), the Project Design and Safeguards Team, the Recipient, and any relevant local agencies.
  4. If the Aggrieved Person(s) is dissatisfied with the resolution, or no advice has been received in the allotted time period, the Aggrieved Person(s) can take the grievance to the FRA CEO. The FRA CEO, in coordination with the relevant national agency, will review and report back to the Aggrieved Person(s) about the outcome.
  5. If unresolved, or at any time the Aggrieved Person(s) is not satisfied, the Aggrieved Person(s) can take the matter to the appropriate court. Both successfully addressed complaints and non-responsive issues will be reported to the development partners by FRA.
  6. If a complaint is received through the project or GRM relating to SEA or SH, then the Aggrieved Person(s) is referred to a specialist service provider (currently WCCC) considering privacy and the survivor centred approach. For more information, please refer to the WB Environment and Social Incident Response Toolkit guidelines.

During the construction phase, the FRA established GRM procedures will continue to be adopted and the Contractor is responsible for capture grievances and complaints as part of the process and will likely be part of the response to the address the issue. The GRM procedures and communication will be set out in the relevant section of the bid and tender documents and contractors CESMP for the Contractor's compliance. The tender documents will include a requirement that the contractor provide a Workers Code of Conduct and Managers Code of Conduct. This will need to align with the FRA's Operations Manual (dated 19th July 2015) that outlines various policies and procedures including worker/contractors/suppliers code of conduct which is part of the worker's employment contract and contractor's contracts whereby they are monitored and evaluated.

The Contractor will appoint a representative responsible for all communications with the nearby communities to ensure that any matters are addressed during the construction. The Contractor's representative will

represent the contractor and go to the villages and communities to hire labourers, advise of road closures or changes to construction times, and advise them of health and safety matters relating to the project. The Contractor's representative will liaise directly with the FRA Social Safeguard Specialist and he/she will respond to any community issues that are raised as part of the GRM and report the grievance and response to the FRA Social Safeguard Specialist or through the FRA Customer Service System by phone in order to obtain a registered complaint number.

Affected people can raise their concerns directly with the contractor's representative. Alternatively, village members can discuss their complaint directly with the Turaga-ni-Koro (elected administrative head) in their village. If the Turaga-ni-Koro supports the complaint, both persons take the complaint to the contractor's site representative to register the complaint. Similarly, for those who wish to remain anonymous, the Turaga-ni-Koro, can register the complaint or issue in a register and lodge it with the Contractor's representative based at the Contractor's site office and/or through the FRA Customer Service System by phone.

Any complaints arriving at the contractor's site office will be recorded in the Complaint's register that is kept at the site and which will be subject to monitoring. The register will record:

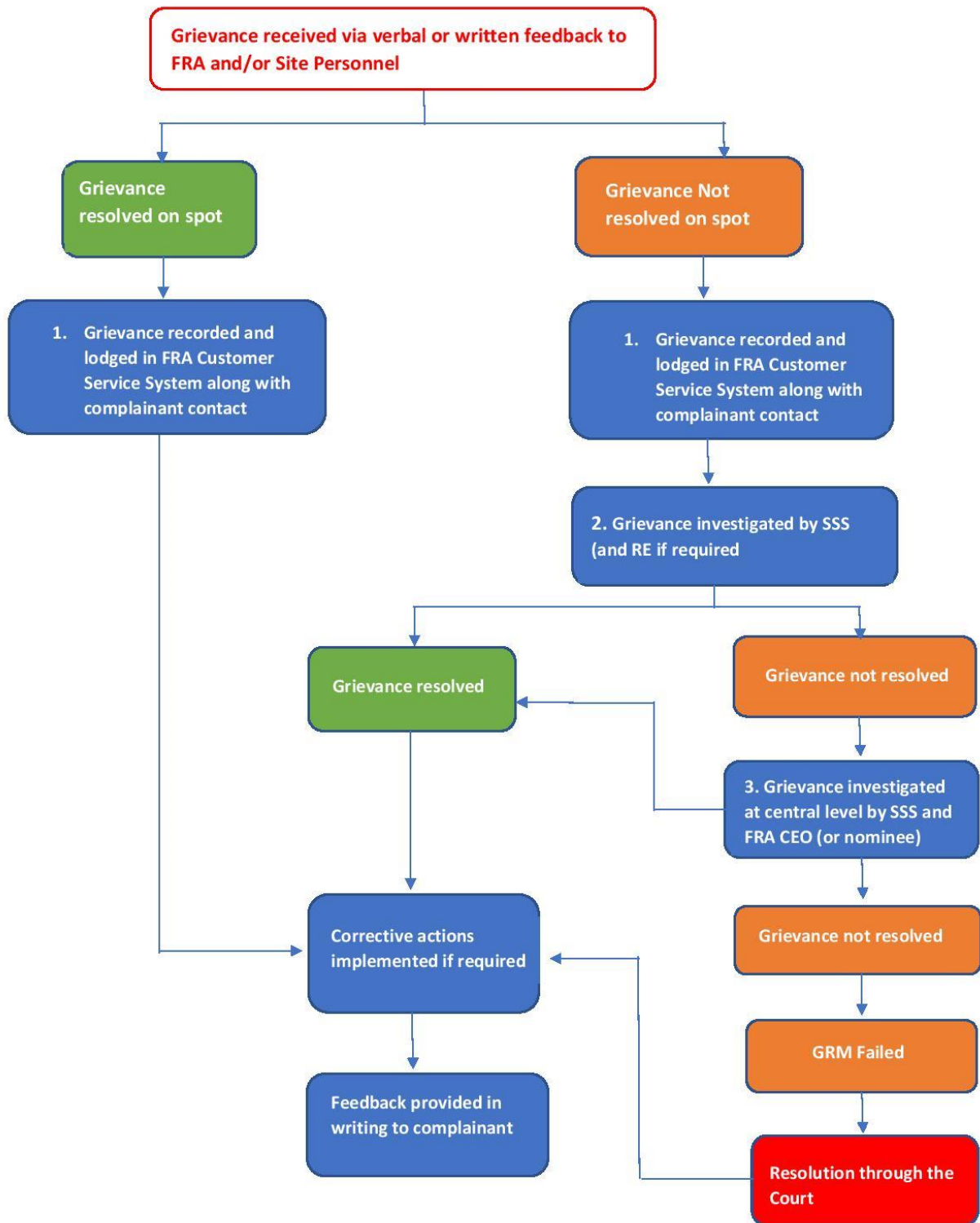
- date the complaint was made
- name of Aggrieved Person(s) unless they wish to remain anonymous
- contact address and / or phone number if available
- reason for the complaint
- how the decision was conveyed to the Aggrieved Person(s)

If the Aggrieved Person(s) desires, their identity may be kept anonymous, but the nature of their concern must still be recorded.

A duplicate copy of the entry is given to the Aggrieved Person(s) making the complaint for their record at the time of registering the complaint. The duplicate copy given to the Aggrieved Person(s) will also show the procedure that will be followed in assessing the concern or complaint, together with a statement affirming the rights of the Aggrieved Person(s) to make a complaint.

The GRM process will be followed in accordance with the timeframes specified as listed in Figure 5-3 above and a summary of the procedures is summarised in Figure 5-4 below:

Figure 5.4 - Grievance Redress Mechanism Process



### 5.7.2 Phone Contact Details to Lodge a Complaint / Grievance

Specific contact details and information will be provided to all stakeholders prior to any works commencing. This will allow them to request further information about the Project, and to lodge a complaint or raise a concern or grievance about the study. These contact details follow:

1. Toll Free Customer Services / Complaint Line:

**Dial #5720** – once logged the stakeholder will be given an SR number to enable the complainant to follow up their complaint.

Note: This SR number will be issued to the FRA Social Safeguards Specialist, who will contact the stakeholder/community member and request to have the Grievance Form filled out with the nature and details of the grievance or complaint.

### 5.7.3 Communicating the GRM to Stakeholders

The Project Management Unit must ensure that the Project Stakeholders and the wider community are made aware of the project, how to get information, make suggestions and raise concerns. This will be done in accordance with the SEP, as detailed in Section 5.1 of this report, throughout the Design and CESMP Phase, and includes field assessments and investigations, public notices in the newspapers, and on radio, stakeholder / community meetings, questionnaires, and data gathering.

In addition, it is important for the Project Team to communicate information about the FRA's GRM procedures for the project to all stakeholders and members of the community so that if required, parties may lodge a complaint or raise concerns regarding the project, project process or project team through the appropriate FRA standard GRM mechanisms to have their grievances and concerns addressed.

## 6 Labour Management Procedures

### 6.1. Introduction

This Labour Management Procedure (LMP) addresses one of the World Bank's (WB) Environmental and Social Standards (ESS2) that apply to all WB financed investment projects. The objectives of ESS2 are to:

- To promote safety and health at work
- To promote the fair treatment, non-discrimination 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 labour and child labour.
- 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.

The LMP's goal is to identify the project's primary labour requirements and risks, as well as to assist the Borrower in determining the resources required to manage the project's labour issues. The full LMP (in **Appendix A**) provides an understanding of what is required on a specific labour issue. The LMP includes:

- Overview of labour use on the project
- Assessment of key potential labour risks
- Brief overview of labour legislation – terms and conditions
- Brief overview of labour legislation – occupational health and safety
- Roles and responsibilities of staff
- Policies and procedures
- Minimum age of employment
- Grievance redress mechanism
- Contractor's management
- Primary supply workers

The LMP is a living document which is initiated early in the project preparation process and is evaluated and updated throughout the project's development and implementation as and when more project information becomes available. Accordingly, this LMP documents details of the type of workers likely to be deployed by the project and the management thereof. The following section has been summarised, the full LMP is included in **Appendix A** of this report.

### 6.2. Overview of Labour use on the Project

An overview of the numbers of workers, timing, general requirements, characteristics, and experience of Project Workers is detailed below.

#### **Direct Workers:**

The project will be implemented by the FRA through the Project Management Unit (PMU). The total number of direct workers/employees of FRA dedicated to this project is yet to be confirmed and will become known

when project design is finalized. Details of female workers to be hired under the Project are not known at this stage.

About ten workers are employed by FRA as part of the PMU of which eight are locals and two international staff based overseas. Out of the ten PMU staff there are three females and seven males. The local staff include project engineer, environmental officers, stakeholder/social safeguard managers, land valuers and technical officers.

### **Consultants:**

The Consultants engaged are approximately 110 workers, of which 41 are locally based and approximately 70 are foreign experts based offshore. The level of experience that some specialists require is yet to be determined, however, an overview of characteristics of Project Consultants to be engaged under the Project is provided below.

### **Contracted Workers:**

The Project will engage one or multiple contractors depending on how the subprojects are packaged, for carrying out the overall implementation of the bridge construction works packages. Each of the contractors will also engage with sub-contractors for the supply and installation of materials and services, various equipment and specialist works (i.e. surveyors, etc).

The estimated number of workers to be employed by the contractor is not known at this time and this will become clearer when the project design and tender phase has been finalized. However, for a typical workforce for a multi-span bridge, 25-100m long, approximately 28-30 workers will be required by the contractor for positions such as supervisors (x2), carpenters (x6), steel fixers (x6), hammer hands (x6), crane operators (x2), engineers (x2) all with a minimum of five years of experience and a Trade degree. There will also be a requirement for Project Managers. Approximately fifteen workers will be required for a bridge replacement less than 25m long. More workers and specialized skills and qualifications are likely to be required for the construction of the maritime structures depending on the design for each structure, the site and the scope of works required during construction. These numbers can only be confirmed once the maritime structure designs are complete, and the scope of works are defined.

### **Primary Supply Workers:**

The construction work will require a supply of construction materials including aggregates, precast concrete materials, form, water, and steel. The contractor will source materials directly from the primary suppliers on an ongoing basis, the workers engaged by such primary suppliers are deemed primary supply workers, as defined in ESS2. The number and type of primary suppliers will be determined at project implementation stage. The timing of labour use of primary supply workers will be covered as part of the construction stage of the project.

### **Community Workers:**

The Project will likely require community workers in the form of general labourers. Community workers are people employed on a paid basis or engaged on a voluntary basis for providing community labour that is required by project. The community members will be employed or engaged directly by the Contractors depending on the Agreement between the village and the contractor and will be categorized and managed as contracted workers/local community labourers or volunteers. Work on a voluntary basis when done is with the free and informed consent of a worker and may revoke their freely given consent at any time. In particular, there can be no “voluntary offer” under threat or other circumstances of restriction or deceit. Typical duties for the local community labourers may include installing the cones, signs and barricades that warn drivers and control the flow of traffic, acting as flagmen to stop or direct traffic, clearing debris from the work site, using jackhammers to break up existing roadways and tending equipment such as cement mixers or asphalt heaters. In addition, these road workers lay whatever the construction project calls for, such as pipes, drains and

pavements. On the job training will be provided by the contractor once they identify their labour needs in accordance with the programme and scope of works.

### **Timing of Labour Requirements:**

Labour will be required full time for the project duration while the Civil Works contract workers will be required for specific stages of the project. The Project execution activities have already commenced in the fourth quarter of 2021 and will be completed in the fourth quarter of 2024. Construction will begin in 2023 and end in 2024/25, however, it may take longer depending on weather conditions and funding. The contractors will be aware of the cyclone season, which runs from November to April. Work hours must not exceed eight hours per day, with at least one hour set out for lunch break. There may be exceptions for this when workers are living on site for short periods.

Contracted workers are eligible to work for a contract period fixed by the PMU, and then recruited by the Contractor. Their contracts will be renewed, if required, based on satisfactory services.

The timing and duration of the employment of contracted workers will be known at later stages.

### **Migrant Workers:**

It is not likely that any migrant workers will be engaged under the Project unless the main Contractors are a foreign national company. However, migrant workers may include a foreign worker or an expatriate worker who may be required for management roles or speciality skills, due to the challenges in Fiji with limited and skilled resources available locally. Migrant workers require a work permit from Fiji Immigration and will need to comply with all the immigration requirements. On 16<sup>th</sup> May 2019, Fiji's Parliament ratified the International Convention on the Protection of the Rights of All Migrant Workers which is comprehensive treaty protecting human rights and freedoms and setting minimum standards for the protection of migrant workers and their families. This includes respect for human rights, freedom of thought and religion, equality of treatment and commitment to stopping illegal and nefarious activities designed to encourage illegal migration. The immigration requirements for work permits will need to be incorporated into the contract documents.

## **6.3. Assessment of Key Potential Labour Risks**

Labour risks associated with the project will be based on the work environment and associated risk of accidents and labour health and safety. A labour risk assessment is a careful examination of what, in the workplace, could cause harm to people. It involves the weighing up of whether enough precautions are in place or whether more should be done to prevent harm to those at risk, including workers and members of the public.

According to the International Labour Organisation workplace risk assessment guidelines, there are five steps of assessing risks in the workplace:

1. Identifying hazards
2. Identify who might be harmed and how
3. Evaluate the risk – identify and decide on the safety and health risk control measures
4. Record who is responsible for implementing which risk control measures and the timeframe
5. Record the findings, monitor and review the risk assessment and update when necessary

## **6.4. Key Labour Risks**

The key labour risks which may be associated with the project activities could include:

Key Labour Risks	Potential Mitigation Measures
<p>1. Health and Safety</p>	
<p>a. Accidents due to falling materials – the use of cranes for the setting up of prefab material for the maritime structures and bridges may result in falling material leading to labour accidents for construction workers.</p>	<ul style="list-style-type: none"> <li>• Always wear hard hats when work is being performed overhead or when other work conditions call for it</li> <li>• Stack materials securely to prevent them from sliding, falling or collapsing</li> <li>• Whenever possible, avoid working under moving loads</li> <li>• Erect barricades and post warning signs at hazardous work zones</li> <li>• Inspect cranes and hoists prior to use to ensure all components are in good working order, including wire rope, lifting hooks and chains</li> <li>• Never exceed the lifting capacity of cranes and hoists</li> <li>• Allow only properly trained workers to use the cranes and machines</li> </ul>
<p>b. Falling objects: During construction process, it is necessary to mobilize many types of construction machinery, equipment and materials. Heavy tools and equipment and supplies may fall from a high level and helmets may not be effective. If the site area is not enclosed or something may fall from a crane out of the construction area, pedestrians may also be hit by falling objects.</p>	<ul style="list-style-type: none"> <li>• Whenever possible, avoid working under moving loads</li> <li>• Always wear hard hats when work is being performed overhead or when other work conditions call for it</li> <li>• Stack materials securely to prevent them from sliding, falling or collapsing</li> <li>• Secure all tools and materials to prevent them from falling on people below</li> <li>• Use toe boards or guardrails on scaffolds to prevent objects from falling. Alternatively, use debris nets or catch platforms to grab falling objects</li> <li>• When working with machines or power tools that can produce flying particles, wear safety glasses, goggles or face shields</li> <li>• Inspect tools prior to use and be sure all guards are in place and in good working conditions</li> <li>• Erect barricades and post warning signs at hazardous work zones for the public to adhere to</li> </ul>

Key Labour Risks	Potential Mitigation Measures
<p>c. Risks of working on or over water surfaces: During the construction of bridges. May also occur when working near water surfaces, such as pile driving, rock placement, etc during the construction of river embankments and rehabilitation of drainage ditches.</p>	<ul style="list-style-type: none"> <li>• Induct and train workers and contractors in safe work procedures, emergency procedures and exclusion zones</li> <li>• Provide necessary personal protective equipment (PPE), such as life jackets</li> <li>• Erect barricades and post warning signs at hazardous work zones for workers and the public to adhere to</li> <li>• Regularly check and maintain equipment</li> <li>• Ensure the working environment is safe</li> <li>• Plan for emergencies and rescues</li> </ul>
<p>d. Accident due to ditches and trenches works, including falling into the excavated area. During the process of excavation, trenching and construction of bridges, cave-ins and collapses may occur. If the excavated material is too close to the trench, the material may fall back and cause serious injury</p>	<ul style="list-style-type: none"> <li>• Make sure not to undermine nearby structures – use safe digging practice and dig away from them</li> <li>• Prevent collapse by shoring, benching, or battering, the trench wall in accordance with FRA Road Works Standards and Specifications (September 2019).</li> <li>• Check the excavation each day before starting work and after any event that may affect its stability</li> <li>• To prevent collapse, do not assume ground will stand unsupported</li> <li>• Ensure that excavated materials, pipes, and machinery, are placed at least 1 metre away from the edge of the excavation or trench wall.</li> <li>• Establish safety controls including signage, fencing, and lighting in and around the area.</li> <li>• Provide safe access to get in and out.</li> </ul>
<p>e. Electrical shock: Exposure to overhead or underground high voltage lines may cause death. Damaged power tools or conductors can also cause injury due to electric shock.</p>	<ul style="list-style-type: none"> <li>• Identify overhead and underground powerlines by consulting with Energy Fiji Limited (EFL),</li> <li>• Induct and train workers and contractors in safe work procedures, emergency procedures and exclusion zones</li> <li>• Carefully plan the tasks to be completed near powerlines and work away from them whenever possible not towards or underneath them</li> <li>• Operators should use a safety observer when working near powerlines and</li> </ul>

Key Labour Risks	Potential Mitigation Measures
<p>f. Physical injury due to hard work: Back injuries caused by lifting heavy objects or improper posture. Heavy materials and equipment are expected to be constantly lifted and moved around by workers at site, which poses health and safety risks.</p>	<ul style="list-style-type: none"> <li>• Follow the safety advice obtained from EFL</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Where possible, use mechanical aid</li> <li>• Decrease the weight of handled objects to acceptable limits</li> <li>• Reduce the weight by assigning two people to lift the load or by splitting the load into two</li> <li>• Ensure sufficient space for the entire body to turn</li> <li>• Locate objects within easy reach</li> <li>• Ensure that there is a clear and easy access to the load</li> <li>• Do not perform the lift if you're not certain that you can handle the load safely</li> </ul>
<p>g. Lack of awareness on occupational health and safety requirements such as the use of personal protective equipment (PPE) and safe workplace practices. Materials for handwashing and hygiene and masks are often not provided at work sites</p>	<ul style="list-style-type: none"> <li>• Engage in communication</li> <li>• Provision of training and capacity management of construction workers-thorough health and safety training is essential in order to convey potential health and safety risks to workers and anyone in the vicinity</li> <li>• Plan ahead and identify specific health hazards at construction site</li> </ul>
<p>h. Bridge construction sites pose risks to the workers of constantly moving heavy vehicles and dump trucks manoeuvring around on construction site</p>	<ul style="list-style-type: none"> <li>• The approved Traffic Management Plan is to be followed at all times by staff, with clear demarcation of vehicular movements through the construction work site.</li> <li>• Exclusion zones for vehicles and workers to be clearly marked on site and observed carefully.</li> <li>• Workers to keep a clear distance from moving vehicles with the exception of those workers managing traffic who will need to ensure they are well seen by drivers and are wearing their high visibility uniforms.</li> <li>• Provide vehicle parking for the workforce and visitors away from the work area</li> <li>• Employers should take steps to make sure that all workers are fit and competent to operate the vehicles, machines and attachments they use on site</li> </ul>

Key Labour Risks	Potential Mitigation Measures
	<ul style="list-style-type: none"> <li>• Make sure that all drivers and pedestrians know and understand the routes and traffic rules on site. Use standard road signs where appropriate</li> <li>• Provide induction training for drivers, workers and visitors and send instructions out to visitors before their visit.</li> </ul>
<p>i. The construction activities involving heavy machinery will be quite noisy. Loud, repetitive, and excessive noise causes long term hearing problems, such as deafness. Noise can also be a dangerous distraction and may distract the worker from the task at hand, which can cause accidents.</p>	<ul style="list-style-type: none"> <li>• Choosing low noise machinery</li> <li>• Maintaining and lubricating equipment and machinery</li> <li>• Placing barrier between the noise and worker</li> <li>• Operating noisy machinery during times when fewer people are on-site</li> <li>• Providing quiet areas where workers can find relief during breaks</li> <li>• Protect workers from effects of excessive noise by offering them hearing protection devices such as ear muffs, ear plugs</li> </ul>
<p>j. Collapsing of material borrow excavation with workers inside is a risk with the type of prevailing materials in the area.</p>	<ul style="list-style-type: none"> <li>• Checking for underground services before work commences</li> <li>• Shoring of the excavation sides or ensuring they are at a suitable angle to prevent the sides collapsing or material falling onto workers in the excavation or trench</li> <li>• Measures to prevent persons, materials or objects falling into the excavation or trench or the inrush of water into the excavation/trench</li> <li>• Avoid vehicular traffic near the excavations or trenches or ensuring it is kept to a minimum</li> </ul>
<p>k. Working at height for the bridge construction will also pose the risk of falling.</p>	<ul style="list-style-type: none"> <li>• Where possible, working at height should be avoided usually by carrying out tasks from the ground</li> <li>• Ensure all those at height are properly trained and supervised</li> <li>• Select work equipment that prevents falls</li> <li>• Ensure that equipment is suitable, stable and strong</li> <li>• Regularly check and maintain equipment</li> </ul>

Key Labour Risks	Potential Mitigation Measures
	<ul style="list-style-type: none"> <li>• Provide any necessary personal protective equipment (PPE) and protection from falling objects</li> <li>• Ensure the working environment is safe</li> <li>• Plan for emergencies and rescues</li> </ul>
<p>l. Risk of workers contracting COVID-19.</p>	<ul style="list-style-type: none"> <li>• Employees/contractors/visitors must actively declare that they are well and symptom free.</li> <li>• There must be clear directions from the Employer that employees are not permitted to attend the work site if they are experiencing any upper respiratory tract symptoms (such as a cough, runny nose, sore throat) or fever, or if they have been directed to isolate or quarantine.</li> <li>• The installation of clear signage at work site entrances and communal spaces should be considered.</li> <li>• Efforts must be made to minimise surface contamination through regular cleaning, encouraging personal hygiene (such as frequent hand washing with soap and water), using cleaning products that include detergent or disinfectant, and having hand washing measures and hand sanitising stations in place.</li> <li>• Employees/contractors/visitors are responsible for their physical distancing and hygiene practices.</li> <li>• Employees/contractors/visitors and others should receive training on the potential risks of certain behaviours and understand the COVID-19 management requirements that apply to the organisation.</li> <li>• Employees/contractors/visitors must take steps to minimise the risk of transmission in the preparation, storage and consumption of food and beverages.</li> <li>• The Employer must detail how it will manage circumstances where employees / contractors / visitors have not complied with requirements/processes/systems implemented by the Employer.</li> </ul>
<p>m. Risk of workers being hit by public vehicles, particularly speeding vehicles through worksites.</p>	<ul style="list-style-type: none"> <li>• Work must be undertaken in accordance with an approved Traffic Management Plan that includes appropriate signage and measures to separate</li> </ul>

Key Labour Risks	Potential Mitigation Measures
	<p>workers from public vehicles and slow public vehicles through worksites.</p> <ul style="list-style-type: none"> <li>• Make sure that all drivers and pedestrians know and understand the areas of public road that are still open. Use standard road signs where appropriate</li> <li>• Provide firm, level, well drained pedestrian walkways that take a direct route where possible.</li> <li>• Provide necessary personal protective equipment (PPE), including high visibility clothing.</li> <li>• Ensure the working environment is safe at all times.</li> <li>• Plan for emergencies and appropriate response and train all staff.</li> </ul>
<p>2. Workers Exploitation</p>	
<p>a. Labour disputes over terms and conditions of employment including demand for limited employment opportunities, labour wages rates and delays of payment, disagreement over working conditions and health and safety concerns in work environment.</p>	<ul style="list-style-type: none"> <li>• The employer must ensure to create an open-door policy in order to catch conflict early</li> <li>• Employer should create an environment of open communication so employees feel comfortable</li> <li>• Determine the severity of the situation by understanding the nature and root cause of the conflict</li> <li>• Provide training on conflict-resolution so better equipped to resolve conflicts</li> <li>• Improve teamwork</li> <li>• Know when to step in</li> <li>• Work together with both parties involved</li> <li>• Provide induction and regular training to contracted workers on environmental, social and occupational health and safety issue</li> </ul>
<p>b. Discrimination and exclusion of vulnerable/disadvantaged groups may be subject to increase of exclusion from employment opportunities under the Project. Such groups will include women and person with disabilities. Lack of equal pay for equal work for men and women is also an issue. Sexual harassment and other forms of abusive behaviour by workers will also have the</p>	<ul style="list-style-type: none"> <li>• Ensure to discrimination policies in place and ensure proper training on workers</li> <li>• Respect others in the work place</li> <li>• Mandatory training and awareness-raising for the workforce about refraining from</li> </ul>

Key Labour Risks	Potential Mitigation Measures
<p>potential to compromise the safety and wellbeing of the vulnerable groups of workers and the local communities, while adversely affecting project performance.</p>	<p>unacceptable conduct toward local community members especially women</p> <ul style="list-style-type: none"> <li>• Informing workers about national laws that make sexual harassment and gender-based violence a punishable offence which is prosecuted</li> <li>• Developing a system to capture gender-based violence, sexual exploitation and workplace sexual harassment related complaints/issues</li> <li>• Violations of FRA Code of Conduct will result in serious consequences up to and including dismissal or referral to legal authorities</li> </ul>
<p>3. Community Risk</p>	
<p>a. Contamination during infectious disease outbreaks if frequent and proper hygiene practices are not consistently applied (in particular frequent and proper hand hygiene and wearing masks to serve as barriers to human-to-human transmission of virus).</p>	<ul style="list-style-type: none"> <li>• The contractor will assign a focal point to implement and monitor prevention measures</li> <li>• Restrict entry to all visitors during the epidemic until further instruction</li> <li>• If a worker or any other individual feels ill, they must stay home</li> <li>• Visit the nearest Health Centre for further investigation and inform your supervisor for your absence</li> </ul>
<p>b. Risks of traffic accidents, labour accident, fire, explosion, short circuit and electric shock posed by the construction activities will also affect the safety of the community.</p>	<ul style="list-style-type: none"> <li>• Keeping pedestrians and vehicles apart through providing entry and exit gateways</li> <li>• Provide firm, level, well drained pedestrian walkways that take a direct route where possible</li> <li>• Ensure that drivers driving out onto roads can see both ways along the footway before they move on</li> <li>• Provision of parking for the visitors away from the work area and to control entry to work area</li> <li>• Ensure that no person comes within an unsafe distance of an overhead or underground electric line</li> <li>• Make powerlines and poles visible for people to see</li> </ul>

## 6.5. Roles and Responsibilities

The FRA PMU is in charge of overseeing all areas of the LMP's implementation, with a specific attention to contractor compliance. All aspects of the LMP will be addressed by FRA as part of the job procurement process as well as during contractor induction. Following that, the contractor is responsible for management

in line with the contract specific LMP for each sub-package for construction, which will be monitored and evaluated by FRA's PMU on a monthly or on a more frequent basis at the initial implementation stage. Specific aspects requiring attention and staffing allocation are detailed further below.

### **6.5.1 Employees Code of Conduct**

Employees code of conduct guides individuals as to how they should behave at the workplace. Employees need to be aware as to what is expected. FRA's Operations Manual (dated 19<sup>th</sup> July 2015) outlines various policies and procedures including worker/contractors/suppliers code of conduct which is part of the worker's employment contract and contractor's contracts whereby they are monitored and evaluated. The Contractor's workers and managers should also have a specific code of conduct attached to their employment contract which stipulates how the workers and managers are to conduct themselves at the work place.

### **6.5.2 Occupational Health and Safety**

Contractors are required to appoint at least one safety representative. The safety representative ensures that stipulated safety measures are followed at all times, as well as keeping track of any incidents. Minor incidents will be reported to the financier and/or development partner in quarterly reports, but major issues would be reported to the financier and/or development partner immediately.

### **6.5.3 Labour and Working Conditions**

Contractors must retain records of compliance with the LMP specifications. FRA's PMU may request records at any moment to ensure that labour conditions are met. The PMU must review compliance records at least once a month and, if necessary, take appropriate corrective action. Quarterly reports to the financier and/or development partner must include a summary of issues and remedial actions.

### **6.5.4 Worker Grievances**

The Worker Grievance will cover two categories of workers 1) Direct Workers of FRA and 2) Contracted Workers, which are described as follows:

#### **Direct workers of FRA:**

A periodic team meeting will be held to discuss any workplace concerns. Any issues/concerns raised by workers will be recorded with the actions taken. The summary of grievances cases will be reported to the financier and/or development partner as part of the regular report.

#### **Contracted workers:**

The site manager and the OHS officer of the contractor will hold a daily team meeting with all present contracted workers at site at the end of the daily work to discuss any workplace grievances.

The current FRA processes will be followed by Project staff. Contractors must submit a worker grievance redress procedure that complies with the LMP's minimal standards. A designated officer from the Project Management Unit (PMU) will evaluate records on a monthly basis. The national system will be employed if worker issues are not resolved; however, the PMU will maintain track of resolutions and report on them in quarterly reports to the financier and/or development partner. All PMU worker's grievances will be managed by FRA's Human Resources Department and all procedures in accordance with Part 13 of the Employment Relations Act (ERA) 2007 must be adhered with all employment grievance procedures required to be stipulated in all employment contracts.

FRA's Employee Grievances Procedures are currently being reviewed and will need to comply with Part 13 of the ERA. Furthermore, under Part 13 of the ERA, it states that all employment contracts issued by FRA must contain procedures for settling an employment grievance, including confidentiality and natural justice, sexual harassment complaints, and the need for women to be represented on the grievance panel/committee. Section

110(2)(b) states that if there are no agreed procedures, the procedures set out in Schedule 4 of the ERA are to be followed.

Under the present FRA Employee Grievance Procedures (in Section 23.1 of the FRA Employee Grievances procedures), a grievance is generally, but not limited to, a situation where one or more parties feel there is a genuine breach of terms and conditions of employment. The grievance may arise from particular behaviour or actions by managers towards staff or between staff.

FRA and employees will aim to resolve all grievances internally, whereby the aggrieved person will consider discussion the matter with other parties. If not possible to discuss the matter with other parties or the discussions have not been successful, the grievance will then be taken to the employee's supervisor. If the grievance is against the aggrieved person's supervisor, the grievance will be taken to the next level of management and the supervisor informed of the grievance.

Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers. Different ways in which workers can submit their grievances should be allowed, such as submissions in person, by phone, text message, mail and email. The grievance raised should be recorded and acknowledged within one day. While the timeframe for redress will depend on the nature of the grievance, health and safety concerns in work environment or any other urgent issues should be addressed immediately. Individuals who submit their comments or grievances may request that their name be kept confidential.

According to the FRA Employee Manual, the Employee Grievance Complaints Procedure is as follows:

1. The parties are to attempt to resolve the grievance through an agreed informal process of mediation and conciliation.
2. Where a successful outcome is in achievable, a formal procedure will be entered into.
3. To commence the formal process the staff member will lodge a written statement setting out:
  - a. nature of the grievance
  - b. the facts giving rise to the grievance; and
  - c. the remedy sought
4. The CEO will arrange for mediation or conciliation or will refer the grievance to a Staff Grievance Committee comprising of:
  - a. Two persons nominated by the CEO; and
  - b. Two persons nominated by the aggrieved person (who is a staff of FRA)
5. The Committee will meet within 5 working days of the grievance being received and:
  - a. will work to a conclusive recommendation as soon as possible; and
  - b. will forward its recommendations to the CEO for a final determination.
6. The CEO's decision will be final.

Mediation is also encouraged in Part 20 of the ERA where mediation services is facilitated independently by the Labour Complaints Resolution Unit (LCRU) within the Ministry of Employment, Productivity & Industrial Relations, between the employer and employee, to support successful employment relationships and the obligations of good faith amongst other objectives. However, before this the employer is required to establish procedures for settling disputes as stated in Part 17, Section 168 of the ERA which should also appear in the employment contracts. Section 168, Schedule 6 of the ERA provides a template of procedures for managing disputes should a company not have one established.

Both employers and employees must be thoroughly informed on all aspects of disciplinary proceedings, grievance management procedures, and the legal needs and rights involved in each workplace.

PMU Staff grievances will be handled by PMU Management with the support of the FRA Human Resources Unit in compliance with the conditions of the employment contract and in-house employment policies and procedures relating to settling disputes or grievances.

### **6.5.5 Additional Training**

Contractors are expected to have a competent designated officer on board at all times to conduct and facilitate trainings. If training is required, the contractor will be responsible for it. The contractor's staff will be given instructions by the safety officer. FRA will procure training to address the risks connected with the worker influx, as well as a schedule for the required training. Baseline training for all project and contractor workers should include OHS, construction environmental and social management/monitoring training, toolbox/induction, reporting and gender base violence and sexual harassment at work policies.

The contractor will be obliged to make personnel accessible for the training as well as any additional FRA-mandated trainings. The training requirements should also be incorporated and listed in the CESMP as well which will be monitored monthly as part of the project.

For all FRA staff, all employees are required to complete annual online training through their Individual Training Needs Assessments and also continue to receive annual written reminders outlining their duty to comply with FRA's Code of Business Ethics and Conduct Program.

### **6.5.6 Accident/Incident Reporting & Management**

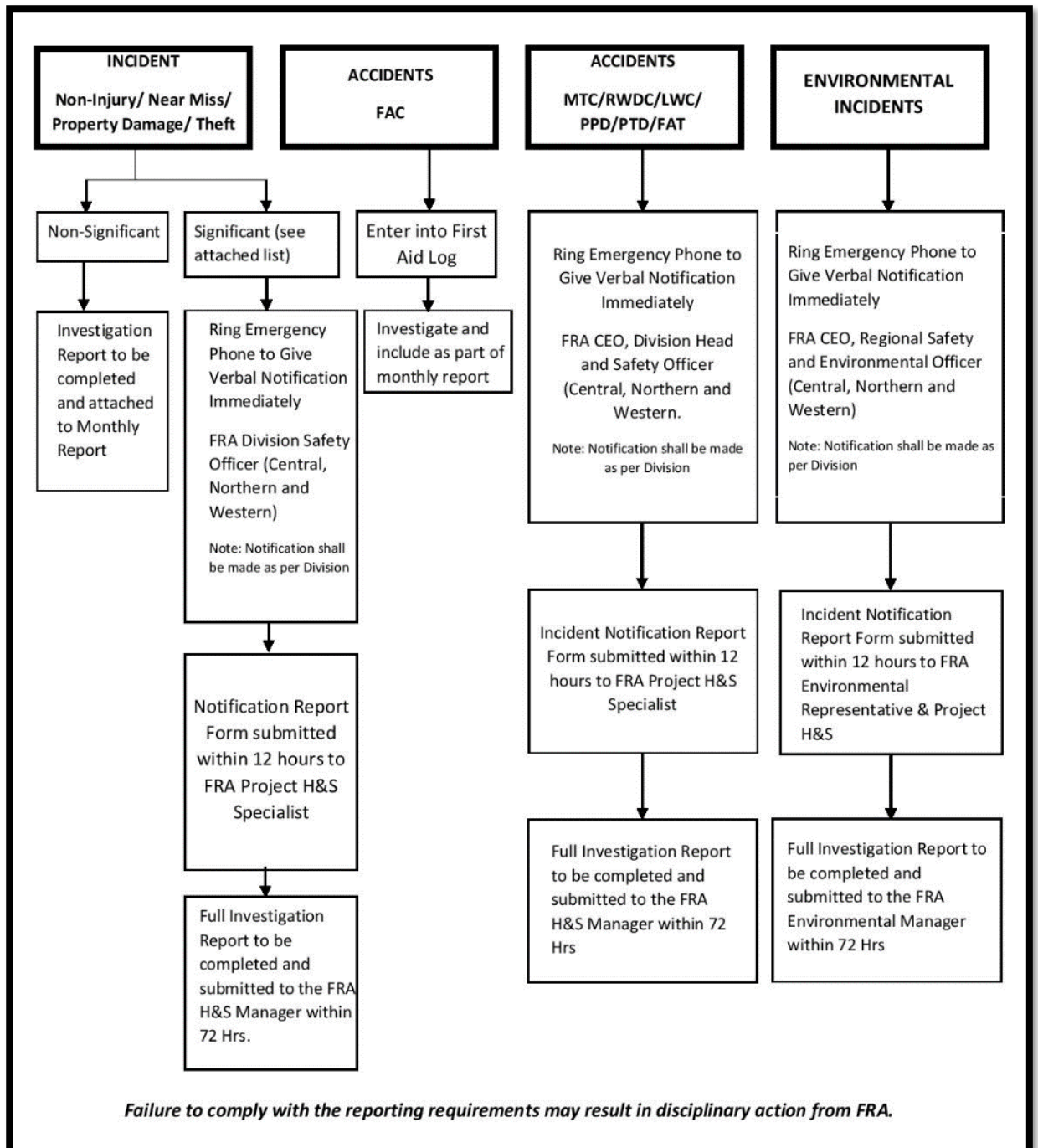
All FRA employees and contractors are required to report all accidents/incidents, including near misses, immediately to their direct line manager/supervisor within their organisation and cooperate with any investigation. The managers/supervisors of each organisation are to ensure that all persons working under their control are informed of the accident/incident reporting procedure and it is actively followed.

For each project, a person will be appointed to carry out investigations into any accident/incident and report in accordance with FRA's Accident/Incident Reporting Procedure (Ref. FRA HSP-065) as part of their Health & Safety Program. The report shall ensure that any recommendations/corrective actions are carried out as specified within the completed reports. The Health & Safety Manager/Specialist/Engineer/Officer must provide guidance and assist the site management in the investigation reporting process and monitor the implementation of any corrective actions with the site management.

FRA's Accident/Incident Reporting Procedure requires the following measures to be followed to ensure that the site management team correctly manages this procedure:

- The "Appointed Person" to ensure that all employees and subcontractors are made aware of the accident/incident reporting procedure and to ensure that it is fully integrated within any emergency plans or procedures that may apply to their project/contract.
- That project/contract specific emergency plan/procedures are to be developed by the site management and shall define as a minimum the following:
  - The immediate treatment and the welfare of any injured person(s).
  - The immediate reporting of any accident/incident or environmental incident as required by statutory regulations, client, or contract requirements.
  - Emergency contact numbers of the Site Medical Facility/Emergency Services/Local Authority and any other relevant services.
  - Defined responsibilities of individuals including sub-contractors.

- o A reporting procedure is to be shown diagrammatic (see below) for display on noticeboards.



- Fatality/major or serious injury reports and correspondence shall only be issued to third parties on the authorisation by the FRA Corporate Safety Team. All reports and supporting documentation/evidence must be treated with the strictest confidence. The FRA Corporate Safety Team may designate and appoint an independent investigation team which can include external specialists at his/her discretion.
- The H&S Manager/Specialist/Engineer/Officer shall identify the need for completion of any statutory reporting forms and inform the Appointed Person on the project/contract of the requirements. The Accident/Incident Investigation Report Notification Form (see Appendix C) must be sent by fax or email to FRA Project H&S Manager/Specialist within 12 hours of the Accident/Incident occurring. Other forms that are required as part of FRA's Accident/Incident Reporting Procedure includes Near Miss and Hazard Reporting (FRA – HS F021) and Incident/Accident Investigation Report (FRA-HS F022).

- All records and documentation relating to these accident/incident reporting procedures shall be maintained at the project site office and should be made available for auditing purposes at all times.

### **6.5.7 Contractor's Management**

Construction and other contracts will include provisions related to labour and occupational health and safety as provided in the WB Standard Procurement Documents and Fiji Legislation.

The FRA will make reasonable steps to ensure that the Contractor(s) and their subcontractors use workers from legitimate labour entities in the country who are capable of meeting the LMP's standards. These specifications must be mentioned in the bidding document. The FRA PMU may assess the following information as part of the selection process for contractors who will hire contractual workers:

- Business licenses, registrations, permits and approvals
- Public records, for example corporate registers and public documents relating to violations of applicable Labour Law, accident and fatality records and notifications to authorities, labour related litigations
- Public Liability Insurance Cover
- Documents relating to the contractor's labour management system and OHS system, EHS personnel and their qualification
- Previous contracts with contractors and suppliers

### **6.5.8 Primary Supply Workers**

No main supply contracts will be procured by the FRA. The primary contractor will be responsible for including the same terms and specifications in its subcontracting agreements for the supply of goods and equipment for use in the project activities.



# A

## Appendix A – Labour Management Procedures

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# Labour Management Procedure

## 1 Introduction

This Labour Management Procedure (LMP) addresses one of the World Bank’s Environmental and Social Standards (ESS2) that apply to all World Bank – financed investment projects. The LMP’s goal is to identify the project’s primary labour requirements and risks, as well as to assist the Borrower in determining the resources required to manage the project’s labour issues. The LMP provides an understanding of what is required on a specific labour issue. The LMP includes:

- Overview of labour use on the project
- Assessment of key potential labour risks
- Brief overview of labour legislation – terms and conditions
- Brief overview of labour legislation – occupational health and safety
- Roles and responsibilities of staff
- Policies and procedures
- Minimum age of employment
- Grievance redress mechanism
- Contractor’s management
- Primary supply workers

The LMP is a living document which is initiated early in the project preparation process and is evaluated and updated throughout the project’s development and implementation as and when more project information becomes available. Accordingly, this LMP documents details of the type of workers likely to be deployed by the project and the management thereof.

It is noted that future development partner(s) supporting project implementation will need to undertake a review of the LMP to identify any additional information that may be required to ensure their internal project processing requirements are met, that site information is current and if any legislation has been updated or newly relevant to the project.

### 1.1. Overview of Labour use on the Project

An overview of the numbers of workers, timing, general requirements, characteristics and experience of Project Workers is as follows:

Table 1-1 - Estimated Number and Characteristics of Project Workers

Workers Type	No. and Characteristics of project workers	Timing of Engagement	Staff Under 15	Type of Job and Skills	Years of Experience
Direct workers Project Management staff	8 National staff and 2 International staff Total 10 staff (TBC)	From project preparation until project completion	0	Project Managers, Engineers, environmental officers, social safeguard manager, land	10-15 years experience

Workers Type	No. and Characteristics of project workers	Timing of Engagement	Staff Under 15	Type of Job and Skills	Years of Experience
				valuers, GIS technicians	
Consultant staff	41 National staff and 70 International Total 111 staff	From project preparation until project design completion	0	Project Managers, Engineers, environmental officers, social safeguard manager, land specialist, drafters,	5-15 years experience
Contracted workers	25 National staff and 5 International	From early stage of project implementation until project completion  Timing of labour requirement will fluctuate, dependent on the construction stages which will be determined by individual contractors at the contract award stage	0	Project Manager (x1), Construction Supervisors (x5), Consultants (x2) and Local staff (x23)	5-10 years experience
Primary supply workers engaged by primary suppliers at each bridge site	Mostly local works who will be identified during the project implementation stage expected: approx. 30 + staff per site	Construction stage of the project	0	Electricians, plumbers, pipe fitters, technical specialist	TBC
Community workers	Local workers will be identified during bridge and maritime structures construction stage expected:	Construction stage of the project and engaged directly by contractors on a as need basis and skills basis	0	Flagmen/women, traffic controllers, pipe layers, machinery maintenance, storemen, security, diggers,	0 to 5 years' experience. On the job training to be provided.

Workers Type	No. and Characteristics of project workers	Timing of Engagement	Staff Under 15	Type of Job and Skills	Years of Experience
	approx. 6-12 workers per site				

**Direct Workers:**

The project will be implemented by the Fiji Roads Authority through the Project Management Unit (PMU). The total number of direct workers/employees of Fiji Roads Authority dedicated to this project is yet to be confirmed and will become known when project design is finalized. Details of female workers to be hired under the Project are not known at this stage.

About 10 workers are employed by Fiji Roads Authority as part of the PMU of which 8 are locals and 2 international staff based overseas. Out of the 10 PMU staff there are 3 females and 7 males. The local staff include project engineer, environmental officers, stakeholder/social safeguard managers, land valuers and technical officers.

**Consultants:**

The Consultants engaged are approximately 110 workers, of which 41 are locally based and approximately 70 are foreign experts based offshore. The level of experience that some specialists require is yet to be determined, however, an overview of characteristics of Project Consultants to be engaged under the Project is provided in the table below.

Table 1-2 Consultant Workers engaged under FRA through the Lead Consultant

International and National Experts		Staff	Specialization, Functions or Area of Coverage	Required Experience
Based/part time in Fiji	Based outside Fiji			
2	2	Project Manager / Team Leader and support staff	Overall project co-ordination and management	15 years
2	12	Bridge and Maritime Structures Structural Design Engineer / Technical Design Manager and team	Manage the project design delivery and Bridge Structure inputs to the project	15 years
1	7	Maritime Engineer and team	Manage the delivery of the Maritime Structure inputs to the project	15 years

International and National Experts		Staff	Specialization, Functions or Area of Coverage	Required Experience
Based/part time in Fiji	Based outside Fiji			
0	2	Metocean and Coastal Engineer and as Climate and Disaster Expert and team	Manage the delivery of the Safeguard input to the project	10 years
1	8	Geotechnical Engineer and team	Manage the delivery of the Geotechnical inputs to the project	15 years
0	5	Hydraulic Engineer and team	Manage the delivery of the Hydrological inputs to the project	15 years
3	12	Road Design Engineer and team	Manage the delivery of the Rooding and Civil inputs to the project	15 years
1	2	Safeguards Expert and team	Manage the delivery of the Safeguard inputs to the project	10-15 years
1	3	Quantity Surveyor and team	Manage the delivery of the Cost Estimate inputs to the project	TBA
0	3	Procurement Manager and team	Manage the delivery of the Contract Document inputs to the project	TBA
0	2	Capacity Development Manager and team	Manage the delivery of the Capacity Development inputs to the project	TBA
1	0	Resettlement Specialist (Jetties/Bridge)	Coordinate land acquisition and resettlement planning for the project, minimize land acquisition requirements and working with relevant government agencies to facilitate the required consultation and land acquisition processes	10-15 years
1	0	Social Development Specialist (Jetties/Bridges)	Preparation of social impact assessments and the development of the social and poverty and gender assessments for this project as well as coordinate consultation including preparation of material in both English and Fijian	10-15 years
1	0	Environment Specialist (Jetties/Bridges)	Work closely with the other members of the safeguards team to inform the design and coordinate specialist technical environmental and marine ecology studies if required with ADB and FRA	10-15 years

International and National Experts		Staff	Specialization, Functions or Area of Coverage	Required Experience
Based/part time in Fiji	Based outside Fiji			
4 (from proposal)	2 (from proposal)	Drone Surveyors	Specialist sub-contractors undertaking surveys and investigations for the project	TBA
10 (from FRA)	0	Topographical Surveyors	Specialist sub-contractors undertaking surveys and investigations for the project	TBA
13 (estimated, tender will confirm)	2 (estimated, tender will confirm)	Geotechnical Investigation	Specialist sub-contractors undertaking surveys and investigations for the project	TBA
0	8 (from proposal)	Metocean Assessment	Specialist sub-contractors undertaking surveys and investigations for the project	TBA
Total 41	Total 70			

**Contracted Workers:**

The Project will engage one or multiple contractors depending on how the subprojects are packaged, for carrying out the overall implementation of the bridge construction works packages. Each of the contractors will also engage with sub-contractors for the supply and installation of materials and services, various equipment and specialist works (i.e. surveyors, etc).

The estimated number of workers to be employed by the contractor is not known at this time and this will become clearer when the project design and tender phase has been finalized. However, for a typical workforce for a multi-span bridge, 25-100m long, approximately 28-30 workers will be required by the contractor for positions such as supervisors (x2), carpenters (x6), steel fixers (x6), hammer hands (x6), crane operators (x2), engineers (x2) all with a minimum of 5 years of experience and a Trade degree. There will also be a requirement for Project Managers. Approximately 15 workers will be required for a bridge replacement less than 25m long. More workers and specialized skills and qualifications are likely to be required for the construction of the maritime structures depending on the design for each structure, the site and the scope of works required during construction. These numbers can only be confirmed once the maritime structure designs are complete, and the scope of works are defined.

**Primary Supply Workers:**

The construction work will require a supply of construction materials including aggregates, precast concrete materials, form water and steel. The contractor will source materials directly from the primary suppliers on an ongoing basis, the workers engaged by such primary suppliers are deemed primary supply workers, as defined in ESS2. The number and type of primary suppliers will be determined at project implementation stage. The timing of labour use of primary supply workers will be covered as part of the construction stage of the project.

**Community Workers:**

The Project will likely require community workers in the form of general labourers. The community members will be engaged directly by the Contractors and will be categorized and managed as contracted workers/local community labourers. Typical duties for the local community labourers may include installing the cones, signs and barricades that warn drivers and control the flow of traffic, acting as flagmen to stop or direct traffic, clearing debris from the work site, using jackhammers to break up existing roadways and tending equipment such as cement mixers or asphalt heaters. In addition, these road workers lay whatever the construction project calls for, such as pipes, drains and pavements. On the job training will be provided by the contractor once they identify their labour needs in accordance with the programme and scope of works.

**Timing of Labour Requirements:**

Labour will be required full time for the project duration while the Civil Works contract workers will be required for specific stages of the project. The Project execution activities have already commenced in the fourth quarter of 2021 and will be completed in the fourth quarter of 2024. Construction will begin in 2023 and end in 2024/25, however, it may take longer depending on weather conditions and funding. The contractors will be aware of the cyclone season, which runs from November to April. Work hours must not exceed 8 hours per day, with at least one hour set out for lunch break. There may be exceptions for this when workers are living on site for short periods.

Contracted workers are eligible to work for a contract period fixed by the PMU, and then recruited by the Contractor. Their contracts will be renewed, if required, based on satisfactory services.

The timing and duration of the employment of contracted workers will be known at later stages.

**Migrant Workers:**

It is not likely that any migrant workers will be engaged under the Project unless the main Contractors are a foreign national company.

**1.2. Assessment of Key Potential Labour Risks**

Labour risks associated with the project will be based on the work environment and associated risk of accidents and labour influx. This includes the current market conditions and an assumption that the risk of child or forced labour is negligible.

The project activities are shown in the table below. As Project Proponent, FRA is involved in oversight over the entire project.

Table 1-3 - The project activities

<b>Project Activities</b>	<b>Responsibility</b>
Inception – mobilize project team, data collection and work plan	Consultant
Pre-Feasibility – site inspection, community and stakeholder engagement by geographical area, drone survey, baseline environmental and social safeguard assessment, climate risk and disaster assessment, development of bridge and maritime structures replacement options, multi criteria analysis of maritime structures and define design criteria	Consultant
Feasibility Options Design – topographical and cadastral surveys, geotechnical surveys, hydrological surveys, hydrological surveys, review outcomes of surveys for design inputs, bridge/maritime structure replacement options, cost benefits assessment, safeguards assessment and reporting, prepare training programme implementation and monitoring plans	Consultant
Preliminary Design – develop preferred options, further community and stakeholder engagement, detailed safeguards, economic and financial analysis, procurement planning and market investigation, training programme implementation and monitoring	Consultant
Detailed Design – detailed analysis and design and assessment of capacity development programme	Consultant
Procurement – bill of quantities, engineer’s estimates and compile bidding packages	Consultant

Project Activities	Responsibility
Contractor awarded with the project – construction commences and completed	PMU
Construction - the replacement bridge comprising of two traffic lanes and one or two footpaths. Typical bridge substructure will comprise a concrete abutment beam on piles. The bridge superstructure will be formed by steel or concrete beams supporting a concrete deck. The construction works shall also include excavation, compacting, pile driving, removal of vegetation, construction of bridge abutments, riverbank protection lined with rocks or gabion baskets, digging of trenches to relocate and lay services pipes and infrastructure.	Contractor, Service Workers and Community Workers

A summary of the Construction works proposed under the project are:

**1. Bridge Construction**

- a. Mobilize to site
- b. Erection of required road signage and safety furniture
- c. Clearance of vegetation and debris
- d. Pile driving and installation of bridge components
- e. Construction of road, drainage, road-side curbs and/or footpath
- f. Embankment protection works including retaining wall construction when required
- g. Placement of the bridge super structure
- h. Landscaping works where necessary
- i. Painting and other related works as per drawings and specifications on handrails, curbs and other elements of the bridge
- j. Demolition of the existing bridge (if required)

**2. Maritime Structure - Jetties**

- a. Mobilize to site
- b. Erection of required road signage and safety furniture
- c. Site clearance and preparation
- d. Disposal of material
- e. Dredging
- f. Reclamation
- g. Piling works
- h. Bund construction
- i. Construction of substructure, dolphins and pile cap
- j. Installation of precast prestressed beams
- k. In-suit concrete works

- l. Fabrication and installation of structural steel works
- m. Installation of Navigational Aids
- n. Sewerage and stormwater drainage
- o. Ablution blocks and associated building structures
- p. Electricity cabling and associated works

It is noted that the construction sequence may change depending on the Contractors work plan.

### 1.3. Key Labour Risks

The key labour risks which may be associated with the project activities could include:

#### Health and Safety

- a. Accidents due to falling – the use of cranes for the setting up of prefab material for the maritime structures and bridges may fall leading to labour accidents for construction workers
- b. Risks of working on water surface: May occur during the construction of river embankments and rehabilitation of drainage ditches.
- c. Falling objects: During construction process, it is necessary to mobilize many types of construction machinery, equipment and materials. Heavy tools and equipment and supplies may fall from a high level and helmets may not be effective. If the site area is not enclosed or something may fall from a crane out of the construction area, pedestrians may also be hit by falling objects.
- d. Accident due to ditches and trenches: During the process of excavation and construction of bridges, collapse may occur. If the excavated material is too close to the trench, the material may fall back and cause serious injury
- e. Electrical shock: Exposure to overhead or underground high voltage lines may cause death. Damaged power tools or conductors can also cause injury due to electric shock.
- f. Physical injury due to hard work: Back injuries caused by lifting heavy objects or improper posture.
- g. Heavy equipment: Injury may occur from heavy equipment. The machinery may malfunction or fall, topple. Careless operation of the crane can cause many injuries. An excavator is also one of the common devices that cause accidents. Incidents may also occur as a result of vehicle-vehicle or vehicle-pedestrian collisions.
- h. Lack of awareness on occupational health and safety requirements such as the use of personal protective equipment (PPE) and safe workplace practices. Materials for handwashing and hygiene and masks are often not provided at work sites
- i. Bridge construction sites pose risks to the workers of constantly moving heavy vehicles and dump trucks manoeuvring around on an uneven terrain
- j. The construction activities involving heavy machinery will be quite noisy. Loud, repetitive, and excessive noise causes long term hearing problems, such as deafness. Noise can also be a dangerous distraction and may distract the worker from the task at hand, which can cause accidents.
- k. Heavy materials and equipment are expected to be constantly lifted and moved around by workers at site, which poses health and safety risks.
- l. Collapsing of material borrow excavation with workers inside is a risk with the type of prevailing materials in the area.
- m. Working at height for the bridge construction will also pose the risk of falling.

- n. Risk of workers contracting COVID-19.

### **Workers Exploitation and Community Risk**

- a. Labour disputes over terms and conditions of employment including demand for limited employment opportunities, labour wages rates and delays of payment, disagreement over working conditions and health and safety concerns in work environment.
- b. Discrimination and exclusion of vulnerable/disadvantaged groups may be subject to increase of exclusion from employment opportunities under the Project. Such groups will include women and person with disabilities. Lack of equal pay for equal work for men and women is also an issue. Sexual harassment and other forms of abusive behaviour by worker will also have the potential to compromise the safety and wellbeing of the vulnerable groups of workers and the local communities, while adversely affecting project performance.
- c. Contamination during infectious disease outbreaks if frequent and proper hygiene practices are not consistently applied (in particular frequent and proper hand hygiene and wearing masks to serve as barriers to human-to-human transmission of virus).
- d. Risks of traffic accidents, labour accident, fire, explosion, short circuit and electric shock posed by the construction activities will also affect the safety of the community.

## **1.4. Brief Overview of Fiji Labour Legislation – Terms and Conditions**

### **Fiji Employment Relations Act (ERA) 2007**

#### **1.4.1 Overview**

The Standards for Labour and Working Conditions are defined in the Fiji Employment Relations Act (ERA) 2007. The ERA provides a framework which promotes the welfare and prosperity of all the Workers on this Project by:

- Creating minimum labour standards that are fair to workers and employers alike and to build productive employment relationships;
- Helping to prevent and eliminate direct and indirect discrimination in employment on the basis of race, colour, gender, sexual orientation, age, physical or mental disability, HIV/AIDS status, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
- Providing a structure of rights and responsibilities for parties engaged in employment relations to regulate the relationship and encourage bargaining in good faith and close observance of agreements as well as effective prevention and efficient settlement of employment related disputes.

Part 2 of the ERA provides the fundamental principles and rights at work stating the entitlement to fair labour practices for all persons. The fundamental principles and rights include:

- 1) No person shall be required to perform forced labour.
- 2) No person shall discriminate against any worker or prospective worker on the grounds of ethnicity, colour, gender, religion, political opinion, national extraction, sexual orientation, age, social origin, marital status, pregnancy, family responsibilities, state of health including real or perceived HIV status, trade union membership or activity, or disability in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.

- 3) Subsection (2) does not preclude any provision, programme, activity or special measure that has as its object the improvement of conditions of disadvantaged individuals or groups, including those who are disadvantaged on the grounds enumerated in subsection (2).
- 4) Every employer shall pay male and female workers equal remuneration for work of equal value.
- 5) A worker is not obliged to join a trade union.
- 6) No employer may make it a condition of employment that a worker must not be or become a member of a trade union, and no written law shall prohibit a worker from being or becoming a member of a trade union.
- 7) Any condition specified in subsection (6) in an employment contract or in any written law is void.

### 1.4.2 Wages and Deductions

According to the Minimum Terms and Conditions of Employment – Wages Regulation 2017 with Fiji’s Ministry of Employment, Productivity, and Industrial Relations and, under Building and Civil and Electrical / Engineering Trade, the minimum wages and deductions details are as follows:

Table 1-4 - Minimum Wages and Deductions

Item	Minimum Requirements
Hours of Work	8 hrs x 5 days (40 hrs)
Paid Public Holiday	All declared public holidays
Minimum Wage Rates per hour	<ul style="list-style-type: none"> <li>- Foreman \$5.22/hr</li> <li>- Leading hand \$4.47/hr</li> <li>- Watchman \$2.69/hr</li> <li>- Heavy plant operators \$4.52/hr</li> <li>- Light plant operators \$4.35/hr</li> <li>- Clerk \$3.81/hr</li> <li>- Unskilled worker \$3.17/hr</li> </ul>
Overtime hours	<ul style="list-style-type: none"> <li>- In excess of 8hrs and 9hrs,</li> <li>- Weekdays = 1 ½ x worker’s normal rate of pay</li> <li>- Sunday = double time x worker’s normal rate of pay</li> <li>- P/holidays = double time x worker’s normal rate of pay</li> </ul>
Sick Leave	10 working days with medical certificate
Annual Leave	10 working days
Bereavement Leave	3 days
Family Care Leave	1 day
Meal Allowance	\$7 or a decent hot meal for 2hrs or more (Saturday, Sunday and P/h included)

The wages of employees are calculated based on a task or piecework is to be performed for an agreed remuneration, under a daily contract whereby agreement or custom, wages are not paid daily but are paid at intervals not exceeding one month. Wages paid shall be no less than the amount specified in terms and conditions of the employment contracts.

Further, Section 50 of the ERA provides for the protection of wages, stipulating in particular in subsection (2) that every employer shall, when paying an employee, provide that employee with a written statement containing the particulars in respect of the relevant wage period for:

- (a) the employee's name and Fiji National Provident Fund membership number
- (b) the nature of employment or job classification
- (c) the days or hours worked at normal rates of pay
- (d) the rate of wages
- (e) the type of wage period
- (f) the amount of overtime worked during any wage period and the rate of wages payable for such overtime, and
- (g) (i) the total earnings of the employee; (ii) any allowances or other sundry payments due to the employee; (iii) any deductions made from the total earnings of the employee; and (iv) the total amount due to the employee after all deductions have been made in respect of each wage period.

Further under the Income Tax (Withholding Tax) Regulation 2013, on 1st January 2013, Pay as You Earn (PAYE) tax became a Final Withholding Tax, requiring employers to deduct PAYE from employees' gross salary/wage to represent the final tax liability on that income. Any tax overpaid will be refunded and any tax that has been short paid will be recovered from the employee.

The income tax threshold for resident individuals is FJ\$30,000 with effect from 1 August 2017. Local employees earning over FJ\$30,000 will be subject to PAYE deductions and payment. Note that separate non-resident tax is also applicable to be deducted on all foreign employees based and work in Fiji for their contracted period.

### 1.4.3 Hours of Work and Rest Periods

Part 8 of the ERA makes clearer the hours of work being applied in Fiji where Section 72 states:

- 1) Subject to subsections (2) and (3), an employment contract must fix at not more than 48 the maximum number of hours (exclusive of overtime) to be worked in a week by a worker bound by that contract.
- 2) If the number of hours (exclusive of overtime) fixed by an employment contract to be worked by a worker in a week is as prescribed by subsection (1), the parties must fix the daily working hours so that those hours are worked on not more than 6 days of the week.
- 3) If the maximum number of hours (exclusive of overtime) fixed by an employment contract to be worked by a worker in a week is not more than 40, the parties to the contract must fix the daily working hours so that those hours are worked on not more than 5 days of the week." According to section 73(1), this Part of the Act does not apply to workers employed in managerial or executive positions, and subsection (2) excludes a contract of service made between an individual that worker by reason of special qualifications, experience, or other qualities possessed by that worker and does not involve discrimination in relation to that worker or any other worker based on the gender of the worker.

Whilst breaks are not stipulated in the ERP, employers should incorporate rest breaks into their policies where employees must be granted a rest break and a minimum of 1 hour meal break during the workday. Time and duration are regulated by internal work rules, shift schedules or by an individual employment contract or a collective agreement between the employer and employee. Rest breaks between the maximum number of hours worked, should also be stipulated, and regulated as part of the employer's internal work policies.

#### 1.4.4 Holidays and Leave

Part 7 of the ERA states holidays and leave are to provide a statutory amount of annual holidays and leave and section 58 states that an employer must give a worker paid annual holidays. A worker must be given a minimum of 10 working days holiday and must be paid in respect of such holiday the wages and worker have been paid for the time the worker would normally have worked during that period.

Section 67 of the ERA states that a worker must be paid in respect of each public holiday for the number of hours (exclusive of overtime) which the worker would normally have worked on that day and it not been a public holiday. If a worker works on a public holiday, the worker must be paid the double time of their normal rate.

Where a worker has completed more than 3 months continuous service with the same employer and who is incapable of work because of sickness or injury, the worker is entitled to paid sick leave of not less than 10 working days during each year of service.

A 3-day Bereavement Leave and 1 day family care leave with full pay per year is also a standard entitlement under the employment contract.

#### 1.4.5 Maternity Protection and Leave

Part 11 of the ERA provides protection for women to ensure that they are not disadvantaged when taking maternity leave. Section 100 (1) states an entitlement of 84 consecutive days is provided to a woman employed in a workplace and who expects to give birth and abstain from work, provide the employer is provided with a certificate from a registered practitioner or registered nurse specifying the possible date of birth.

Subsection (2) clarifies that a woman is entitled to paid maternity leave as follows:

- (a) for the first 3 births, to the normal remuneration she would have received as if she had been at work, and
- (b) for the 4th and subsequent births, to half the normal remuneration she would have received as if she had been at work.

Further in subsection (3), it states that a woman may proceed on maternity leave at any time before or after confinement provided that if she continues to work during the pre-confinement period she must produce a medical certificate certifying that she is fit to work during that period.

If a woman is absent from work for a period of more than 84 consecutive days she is not entitled to wages in respect of the days in excess of 84 days. (7) A woman who returns to her employment after maternity leave— (a) must be appointed to the same or equivalent position held prior to proceedings on maternity leave, without any loss of salary, wages, benefits, and seniority; or (b) may be appointed to a higher position.

### 1.5. Brief Overview of Fiji Labour Legislation - Occupational Health and Safety

#### 1.5.1 Health and Safety at Work 1996

The Health and Safety at Work Act (HASAWA) 1996 shall affirm commitment of employer to provide a healthy and safe work environment for its employees and to prevent occupational illness and injury.

The employer shall:

- a. Comply with all the statutory rules and requirement of the HASAWA 1996,
- b. Provide all relevant information, training, instruction and supervision to ensure that the health and safety at work for staff, contractors, visitors and the members of the public are taken care of,

- c. Provide and maintain all buildings, facilities, equipment and systems of work that are safe, and which do not pose undue risk to health, and
- d. Ensure that a health and safety program and procedures are implemented and updated regularly.

All managers and supervisors are responsible and accountable for the safety of the people working under their supervision.

Part 9, Section 9 of HASAWA 1996 states any employer who contravenes or fails to comply with any provision of this Section shall be guilty of an offence and shall be liable to a fine or not more than \$100,000 in the case of a corporation or \$10,000 in any other case.

Section 18 of the HASAWA 1996 states that an employer who employs twenty or more workers at a workplace shall establish a health and safety committee for that workplace. The committee shall comply with all requirements and standards set in the HASAWA 1996.

### **1.5.2 Public Health Act (Cap 111)**

This Public Health Act (Cap 111) is administered by the Central Board of Health (CBH) under the Health Ministry. Section 10 (b) of the Act, stipulates that the local authorities in rural districts appointed by the Minister of Health and in this case, the local authority is responsible for approving town planning area which the proposed development falls under.

The Town Councils and the Rural Local Authority are responsible for undertaking the role of the Central Health Board in ensuring that the proposed development complies with the requirements of the Act. Specific to the proposed development are building requirements as stipulated under Part III of the Act and the Public Health (National Building Code) Regulations 2004. Also specific to the proposed development are the provisions in the Act for the control of nuisances detected within their districts relating to public health, infectious diseases, venereal diseases, offensive trades, solid and liquid waste disposal and water supply. FRA must ensure that the requirements of this Act are complied by the Contractor during the construction phase of the bridges and maritime structures development, in particular at the worker's camp sites and construction office sites, even if it is temporary in nature for the duration of the construction works.

## **1.6. Roles and Responsibilities**

The FRA Project Management Unit is in charge of overseeing all areas of the LMP's implementation, with a specific attention on contractor compliance. All aspects of the LMP will be addressed by FRA as part of the job procurement process as well as during contractor induction. Following that, the contractor is responsible for management in line with the contract-specific Labour Management Plan for each sub-package for construction, which will be monitored by FRA's PMU on a monthly or on a more frequent basis at the initial implementation stage. Other aspects requiring attention and staffing allocation include:

### **1.6.1 Occupational Health and Safety**

Contractors are required to appoint at least one safety representative. The safety representative ensures that stipulated safety measures are followed on a regular basis, as well as trying to keep track of any incidents. Minor incidents will be reported to the financier and/or development partner in quarterly reports, but major issues would be reported to the financier and/or development partner immediately.

### **1.6.2 Labour and Working Conditions**

Contractors must retain records in compliance with the LMP specifications. FRA's PMU may request records at any moment to ensure that labour conditions are met. The PMU must review records against actuals at least once a month and, if necessary, take appropriate corrective action. Quarterly reports to the financier and/or development partner must include a summary of issues and remedial actions.

### 1.6.3 Worker Grievances

The current FRA processes will be followed by Project staff. Contractors must submit a worker grievance redress procedure that complies with the LMP's minimal standards. A designated officer from the Project Management Unit will evaluate records on a monthly basis. The national system through the Labour Standards Services (LSS) under the Ministry of Employment, Productivity & Industrial Relations (MEPIR), will be engaged if worker issues are not resolved; however, the PMU will maintain track of resolutions and report on them in quarterly reports to the financier and/or development partner. All PMU worker's grievances will be managed by FRA's Human Resources Department and all procedures in accordance with Part 13 of the EPR Act must be adhered with all employment grievance procedures required to be stipulated in all employment contracts.

The Labour Complaints Resolution Unit (LCRU) under the LSS Department is responsible for the investigation and resolution of employment related complaints from workers on non-compliance of minimum terms and conditions of work under the ERA and the minimum wage rates of wages as stipulated under the 10 wages regulation and the National Minimum wages.

Mediation is also encouraged in Part 20 of the ERA where mediation services are facilitated independently by the Ministry between the employer and employee, to support successful employment relationships and the obligations of good faith amongst other objectives. However, before this, the employer is required to establish procedures for settling disputes as stated in Part 17 Section 168 which should also appear in the employment contracts. Section 168 Schedule 6 of the ERA provides a template of procedures for managing disputes should a company not have one established.

### 1.6.4 Additional Training

Contractors are expected to have a competent designated officer on board at all times to conduct and facilitate trainings. If training is required, the contractor will be responsible for it. The contractor's staff will be given instructions by the safety officer. FRA will procure training to address the risks connected with the worker influx, as well as a schedule for the required training. The contractor will be obliged to make personnel accessible for the training as well as any additional FRA-mandated trainings. The training requirements should also be incorporated and listed in the Construction Environmental and Social Management Plan (CESMP) as well which will be monitored monthly as part of the project.

For all FRA staff, all employees are required to complete annual online training through their Individual Training Needs Assessments and also continue to receive annual written reminders outlining their duty to comply with FRA's Code of Business Ethics and Conduct Program.

## 1.7. Project Policies and Procedures

### 1.7.1 FRA'S Code of Business Ethics and Conduct

The FRA Code of **Business Ethics and Conduct Programme** is a firm commitment to fair and ethical behaviour and FRA's reputation for adhering to high ethical standards, for all FRA employees, officers, directors, managers and agents. It incorporates existing FRA policies and procedures which includes:

- a. The FRA Employee Standards of Conduct including: Gratuities, Conflicts-of-Interest, and Outside Employment
- b. The FRA Conflicts of Interest Policy. In addition to the requirements of this policy, FRA employees shall:
  - i. Avoid conflicts of interest of any kind (actual conflicts or the appearance of a conflict), including those that might arise between your FRA responsibilities and your personal activities and relationships. If a conflict arises, disclose it to FRA management immediately;

- ii. Not solicit gifts or gratuities: Do not accept anything that others could think obligates you to the giver. Do not offer a gift or gratuity unless you know it is legally permitted. Bribes and kickbacks are always prohibited;
- iii. Not make unauthorized business commitments. Must always comply with established delegations of authority.
- c. The Code of Conduct set forth in the Director's Policy Manual
- d. The Standards of Conduct set forth in the Fermilab Personnel Policies
- e. The Outside Employment/Consulting Policy set forth in the Fermilab Personnel Policies
- f. The Anti-Nepotism Policy set forth in the Fermilab Personnel Policies
- g. The FRA Financial Interest Disclosure Policy set forth in the Fermilab Personnel Policies
- h. The Fermilab Procurement Policies and Procedures Manual.

A copy of these policies are available on request.

All FRA employees, officers, directors, managers, and agents, are required to comply with these standards, together with applicable local, state, and federal laws and any applicable grant and contractual requirements. In addition to the Code of Business Ethics policies above, FRA employees and subcontractors:

- 1) Reject any plan, transaction, or arrangement involving unlawful or unethical conduct;
- 2) Avoid any arrangement, agreement, investment, employment, relationship, act, or interest that is, or appears to be, contrary to the best interests of their customers, or that in any way might impair the objective performance of duties or the exercise of independent judgment or action with respect to the interests of FRA or its customers;
- 3) Protect and maintain the security of confidential, proprietary, and privileged information related to FRA or associated with its activities, including financial data related to operations of FRA. Such information includes that furnished by customers, suppliers, contractors, or others under conditions of confidentiality; and
- 4) Provide professional and impartial opinions and judgments and act in accordance with the best interests of FRA and its customers.

Any actions taken during the day-to-day activities by an FRA employee, in relationships with customers, suppliers, contractors, and others are expected to be fully justifiable and not a cause for concern, or bring unfavourable publicity or embarrassment to FRA, if disclosed. These standards apply to all employees' conduct both on and off the job. All employees are expected to avoid unethical actions and/or Conflicts of Interest (both actual and the appearance of a Conflict), as well as report any Conflicts.

### **Internal Control System**

To ensure program effectiveness, FRA has an internal control system that facilitates timely discovery of improper conduct in connection with Government contracts and ensures corrective measures are promptly instituted and carried out. FRA's internal control system provides for periodic reviews of company business practices, procedures, policies, and internal controls for compliance with this Code of Business Ethics and Conduct and the special requirements of Government contracting; utilize the Fermilab Action Line (extension 4000, or 630-840-4000 from off-site) through which employees may report suspected instances of improper conduct, and instructions that encourage employees to make such reports; Additionally FRA conducts both internal and external audits, as appropriate; and takes disciplinary action for improper conduct. When unsure whether an action complies with this FRA Code of Business Ethics and Conduct ask yourself the following questions: Is the action legal? Is it ethical? Does it comply with or contravene FRA policy? Might it appear inappropriate? If it became known, might it result in embarrassment either within or outside FRA?

### **Discrimination Policy**

Personal and physical characteristics unrelated to inherent job requirements shall not be used to make decisions about project worker employment or treatment. The employment of the project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination based on gender,

disability or otherwise, with respect to any aspects of the employment relationship such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.

### **Code of Conduct**

The code of conduct outlines the expected behaviours for staff and the outlines the disciplinary procedures for issues including:

- Drug and alcohol abuse
- Sexual harassment
- Confidentiality
- Intellectual Propriety

### **1.7.2 The Fiji Roads Authority Environmental, Health and Safety (EHS) Policy**

The FRA Health and Safety at Work Policy (January 2019) is a requirement under the Health and Safety at Work Act (HSWA) 1996. It reaffirms FRA's commitment to promoting total excellence in the industry which includes providing a safe and healthy environment for all its employees, customers, visitors and other affected parties through the implementation of the HSWA 1996, its regulations and standards.

The measures adopted to address significant safety risks of the Project are summarized below:

(i) The FRA (Employer) shall:

- Provide a safe place of work in accordance with the law;
- Provide safe systems of work in accordance with the best industry practices,'
- Provide information, instructions and supervision of workers, customers, visitors, contractors and self-employed persons to ensure that they are safe whilst on our premises;
- Provide continuous health and safety training to all workers;
- Undertake risk management to adequately manage risks to persons in the work environment, including review of work methods and practices;
- Regularly review and evaluate Occupational Health and Safety Management Systems (OHSMS), including audits and workplace inspections for continuous improvements.

(ii) Employees (Workers) shall:

- Cooperate with the management to enable it to comply with its "Duty of Care" obligations as stated in the Health and Safety at Work Act 1996;
- Use equipment, hazardous substances and chemicals in accordance with the instructions provided to ensure their own safety and the safety of other workers and other persons in the workplace.
- Use and comply with any safe systems of work put in place by the Employer.

(iii) Contractors, Customers and Visitors shall:

- Take all reasonable care of their health and safety while on FRA premises;
- Co-operate with the management and workers on their '(Duty of Care" under the Health and Safety at Work Act 1996.

(iv) Partnership Arrangement:

- Under a partnership consultative arrangement, the Health and Safety Committee and Health and Safety Representatives established throughout the organisation shall address all health and safety issues raised with them.

(v) Implementation of this Policy:

- Management, including supervisors and workers at all levels shall be responsible and accountable for implementing this policy.

FRA's EHS policy is reviewed and renewed every two ((2) years to ensure its effectiveness and continuous improvements that will enhance all facets of its business efficiency and productivity.

### 1.7.3 Accident/Incident Compensation

Accident and Incident reporting is part of FRA's EHS Policy and as Part 3, Section 18 of the Accident Compensation Act 2017 states that compensation must be paid for any personal injury or death suffered by any person as a result of an accident in Fiji and compensation payable by the Commission shall be in a) a lump sum, under the no fault compensation scheme or; b) a lump sum, awarded by a judgment.

Part II, Section 5 of Compensation for Injury Act (Cap 94) states that if in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter provided, be liable to pay compensation in accordance with the provisions of this Act and for the purpose of this Act an accident resulting in the death or serious and permanent incapacity of a workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment or of any orders given by or on behalf of his employer or that he was acting without connection with his employer's trade or business.

### 1.7.4 Protocol for COVID-19 Safe Business Operations

Effective from 11 October 2021, the Fiji Government through the Ministry of Commerce, Trade, Tourism and Transportation set out the mandatory minimum parameters for safely operating business during the COVID-19 pandemic. The said requirements and protocols are applicable to essential business, support industries to essential businesses and other businesses. The protocols and measures contained herein are designed to ensure minimal risk to the spread of COVID-19 when continuing businesses and maybe subject to review (modification, additional or removal). The Non-negotiable Protocols include:

- i. Businesses must ensure all employees, customers, clients wear appropriate Personal Protective Equipment (PPE) such as masks and maintain 2m physical distance at all times (excluding vehicles). The employer/business must bear the responsibility to provide all employees with PPE.
- ii. Businesses must make available provision for hand washing facilities and/or sanitizer to employees and customers.
- iii. Employer must ensure that all employees within the operational area are seated at least 2m apart and have minimal interaction.
- iv. All employees, customers and clients must download the careFiji app and keep the device Bluetooth turned on. Only in exceptional circumstances where the use of careFiji is not possible, businesses must maintain a register for contact tracing information for employees and customers. This includes name, time/date, ID card, residential address and next of kin contacts.
- v. Businesses must register and acquire careFiji check-in, QR code to identify the location of businesses and various branches. The QR code must be displayed in entry and exit locations of the business.
- vi. Businesses must set up temperature monitoring at the entrance or employee gate and only those with temperature below 37.8 degrees Celsius can enter. Once an employee is identified to have fever and/or covid like symptoms, this must be documented and communicated to MHMS.
- vii. Businesses must maintain an Absentee Register and should an employee show COVID-19 symptoms whilst at work or do not report to work on their scheduled time, the employer must make contact with the employee to ascertain the reason for absence. The Ministry of Health and Medical Services (MHMS) should be notified immediately on 158 should an employee report sick with COVID-19 symptoms.

- viii. The employee must inform employer immediately and contact MHMS should he/she is identified as a primary or secondary contact of a positive case.
- ix. Should there be a positive case found in the premises, MHMS has the right to close the premises for decontamination and contact tracing will apply.

## 1.8. Minimum Age of Employment

### 1.8.1 Minimum Age and Protection of Children/Young Workers

In accordance with Part 10 Section 92 of the ERA, the age of 15 years is the minimum age for employment of children. This is mainly (a) to prohibit work which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children; (b) to establish the circumstances and ages at which children may work; and (c) to confer certain rights on children and provide protection in view of their vulnerability to exploitation. These objectives are in line with Fiji's constitution and the fundamental principles and rights of the International Labour Organization's 1998 Declaration, Chapter 4's Bill of Rights Section 24 which forbids servitude and forced labour, providing minimum labour requirements and conditions to protect children and young workers.

The Ministry of Employment, Productivity and Industrial Relations stipulates that:

- i. A person who is 15 years of age can be employed provided that employment is after school and does not affect the health and wellbeing of a child. No child shall be employed during school hours.
- ii. A person employing a child must keep a separate register and must seek parental concern before the child is employed
- iii. A child who is in employment, cannot be employed for more than 8 hours and must be given 30 minutes paid break for every 4 hours of work
- iv. A child must not be employed in hazardous work
- v. A child must be paid the minimum rates of pay stipulated within the relevant Wages Regulations
- vi. No child shall be employed after 10pm

FRA's PMU will need to ensure that these minimum standards are adhered to at all levels of labour requirements for the Project.

## 1.9. Grievance Redress Mechanism

Both employers and employees must be thoroughly informed on all aspects of disciplinary proceedings, grievance management procedures, and the legal needs and rights involved in each workplace. The Fiji Roads Authority already has a Grievance Redress Mechanism (GRM) in place to handle issues and grievances from project stakeholders and the general public. The grievances mechanism is an important tool for all key users, contractors, individuals, and others to send their complaints and/or concerns about the development of bridges and maritime structures construction during the project's implementation. If complaints are not resolved in time by the GRM, this should be reported to the FRA Project Team and FRA CEO. A summary of the grievances received should be included in the monthly and quarterly monitoring reports.

The Worker Grievance will cover two categories of workers 1) Direct Workers of FRA and 2) Contracted Workers, which are described as follows:

### **Direct workers:**

A periodic team meeting will be held to discuss any workplace concerns. Any issues/concerns raised by workers will be recorded with the actions taken. The summary of grievances cases will be reported to the financier and/or development partner as part of the regular report.

### **Contracted workers:**

The site manager and the OHS officer of the contractor will hold a daily team meeting with all present contracted workers at site at the end of the daily work to discuss any workplace grievances.

The current FRA processes will be followed by Project staff. Contractors must submit a worker grievance redress procedure that complies with the LMP's minimal standards. A designated officer from the Project Management Unit (PMU) will evaluate records on a monthly basis. The national system will be employed if worker issues are not resolved; however, the PMU will maintain track of resolutions and report on them in quarterly reports to the financier and/or development partner. All PMU worker's grievances will be managed by FRA's Human Resources Department and all procedures in accordance with Part 13 of the Employment Relations Promulgation 2007 (ERP) must be adhered with all employment grievance procedures required to be stipulated in all employment contracts.

FRA's Employee Grievances Procedures are currently being reviewed and will need to comply with Part 13 of the Employment Relations Promulgation. Furthermore, under Part 13 of the ERP, it states that all employment contracts issued by FRA must contain procedures for settling an employment grievance, including confidentiality and natural justice, sexual harassment complaints and the need for women to be represented on the grievance panel/committee. Section 110(2)(b) states that if there are no agreed procedures, the procedures set out in Schedule 4 of the ERA are to be followed.

Under the present FRA Employee Grievance Procedures (in Section 23.1 of the FRA Employee Grievances procedures), a grievance is generally, but not limited to, a situation where one or more parties feel there is a genuine breach of terms and conditions of employment. The grievance may arise from particular behaviour or actions by managers towards staff or between staff.

FRA and employees will aim to resolve all grievances internally, whereby the aggrieved person will consider discussion the matter with other parties. If not possible to discuss the matter with other parties or the discussions have not been successful, the grievance will then be taken to the employee's supervisor. If the grievance is against the aggrieved person's supervisor, the grievance will be taken to the next level of management and the supervisor informed of the grievance.

Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers. Different ways in which workers can submit their grievances should be allowed, such as submissions in person, by phone, text message, mail and email. The grievance raised should be recorded and acknowledged within one day. While the timeframe for redress will depend on the nature of the grievance, health and safety concerns in work environment or any other urgent issues should be addressed immediately. Individuals who submit their comments or grievances may request that their name be kept confidential.

According to the FRA Employee Manual, the Employee Grievance Complaints Procedure is as follows:

- 1) The parties are to attempt to resolve the grievance through an agreed informal process of mediation and conciliation.
- 2) Where a successful outcome is in achievable, a formal procedure will be entered into.
- 3) To commence the formal process the staff member will lodge a written statement setting out:
  - A) nature of the grievance
  - B) the facts giving rise to the grievance; and
  - C) the remedy sought
- 4) The CEO will arrange for mediation or conciliation or will refer the grievance to a Staff Grievance Committee comprising of:
  - a) 2 persons nominated by the CEO; and
  - b) 2 persons nominated by the aggrieved person (who is a staff of FRA)

- 5) The Committee will meet within 5 working days of the grievance being received and:
  - a) will work to a conclusive recommendation as soon as possible; and
  - b) will forward its recommendations to the CEO for a final determination.

6) The CEO’s decision will be final.

Mediation is also encouraged in Part 20 of the ERA where mediation services is facilitated independently by the Ministry of Labour, between the employer and employee, to support successful employment relationships and the obligations of good faith amongst other objectives. However, before this the employer is required to establish procedures for settling disputes as stated in Part 17, Section 168 of the ERA which should also appear in the employment contracts. Section 168, Schedule 6 of the ERA provides a template of procedures for managing disputes should a company not have one established.

Both employers and employees must be thoroughly informed on all aspects of disciplinary proceedings, grievance management procedures, and the legal needs and rights involved in each workplace.

PMU Staff grievances will be handled by PMU Management with the support of the FRA Human Resources Unit in compliance with the conditions of the employment contract and in-house employment policies and procedures relating to settling disputes or grievances.

Workers can submit complaints and grievances in a number of ways to the Fiji Roads Authority and any grievances from workers on the 40 Critical Bridges and 3 Maritime Structures Project, can be raised with the following contacts via phone or email and by filling in the Workers Grievances Form:

Contact Person	Details
Charlie Ward TIISP Portfolio Manager charles.ward@fijiroads.org	Office: Level 4, Fiji Development Bank Centre, 360 Victoria Parade, Suva
	Postal Address: PO Box 16550, Suva; Phone number: 679 3100114
Apisai Ketenilagi Design of 40 Critical Bridges and 3 Jetties apisai.ketenilagi@fijiroads.org	Email: info@fijiroads.org
	Website: www.fijiroads.org
	Toll Free Number: 5720
	Facebook: https://www.facebook.com/fijiroads
	Twitter: @FijiRoads

Alternatively, any other grievances can be raised with the FRA Helpdesk.

Note: If a complaint is received through the project or GRM relating to Sexual Exploitation and Abuse (SEA) or Sexual Harassment (SH), then the complainant is referred to a specialist service provider (currently Women and Children Crisis Centre (WCCC)) considering privacy and the survivor centred approach. For more information, please refer to the WB Environment and Social Incident Response Toolkit guidelines.

## 1.10. Contractor's Management

Construction and other contracts will include provisions related to labour and occupational health and safety as provided in the financier and/or development partner Standard Procurement Documents and Fiji Legislation.

The Fiji Roads Authority will make reasonable steps to ensure that the Contractor(s) and their subcontractors use workers from legitimate labour entities in the country who are capable of meeting the LMP's standards. These specifications must be mentioned in the bidding document. The FRA PMU may assess the following information as part of the selection process for contractors who will hire contractual workers:

- Business licenses, registrations, permits and approvals
- Public records, for example corporate registers and public documents relating to violations of applicable Labour Law, accident and fatality records and notifications to authorities, labour related litigations
- Public Liability Insurance Cover
- Documents relating to the contractor's labour management system and OHS system, EHS personnel and their qualification
- Previous contracts with contractors and suppliers
- Workers Code of Conduct and Managers Code of Conduct
- Workers Grievance Procedures

## 1.11. Primary Supply Workers

No main supply contracts will be procured by the Fiji Roads Authority. The primary contractor will be responsible for including the same terms and specifications in its subcontracting agreements for the supply of goods and equipment for use in the project activities.

# B

## Appendix B – Grievance Report Form

## WORKERS GRIEVANCE FORM

<b>Worker Grievance Reference #:</b>		
<b>Electronic file reference #</b>		
<b>Background Information: Summarize Details (attach further pages if necessary):</b>		
<p><b>Note:</b> If the complaint is related to gender-based violence (GBV), sexual exploitation, abuse or sexual harassment (SEAH) or violence against children (VAC), the situation must be immediately referred to Fiji Roads Authority.</p> <p><u>Contact Information:</u></p> <ul style="list-style-type: none"> <li>i. Charlie Ward – <a href="mailto:charles.ward@fijiroads.org">charles.ward@fijiroads.org</a>: TIISP Portfolio Manager</li> <li>ii. Apisai Ketenilagi – <a href="mailto:apisai.ketenilagi@fijiroads.org">apisai.ketenilagi@fijiroads.org</a>: Design of 40 Critical Bridges and 3 Jetties</li> <li>iii. Office Address: Level 4, Fiji Development Bank Centre, 360 Victoria Parade, Suva</li> <li>iv. PO Box 16550, Suva; Phone number: 679 3100114;</li> <li>v. <a href="mailto:info@fijiroads.org">Email - info@fijiroads.org</a></li> <li>vi. Website: <a href="http://www.fijiroads.org">www.fijiroads.org</a> and Toll Free Number: 5720</li> </ul>		
<b>Name of concerned party (or anonymous) and gender</b>	<b>Employee ID (If Employee)</b>	<b>Telephone</b>  <b>Email</b>
<b>Date of Raising of Concern</b>	<b>Date of 2 week deadline for initial resolution or escalation:</b>	<b>Actual date of close out:</b>
<b>Date, time, and location of Event leading to Concern:</b>		

**Detailed account of the concern (Include names of persons involved) if known (attach further pages if necessary):**

**Are there any policies, procedures, guidelines that may have been violated (attach further pages if necessary):**

**Proposed solution or sought remedy (attach further pages if necessary):**

**Outcome of Concern (attach further pages if necessary):**

**Date and Signature of Entry into Record:**

**Date and Signature of Close-out:**

# C

## Appendix C – FRA-HS-F019 Accident Incident Notification Form

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 <b>Fiji Roads Authority</b>
<b>Accident / Incident Notification</b>

To be filled in by site supervisor / foreman and submitted to FRA H&S Department immediately following any accident / incident.		
1	Date of Accident / Incident.	
2	Time of the Accident / Incident.	
3	Location where the accident / incident occurred.	
4	Brief description of the accident / incident.	
5	Property damaged if any?	
6	Particulars of the injured person in case of personal injury.	
6.1	Name of the injured.	
6.2	Employee Number	
6.3	Name of the company for the subcontractor employee.	
6.4	Body part injured	
6.5	Nature of the injury	Minor / fracture / amputation /
7	Particulars of the witness of the accident / incident.	
7.1	Name of the witness	
7.2	Employee Number of the company	
8	Cause of accident	
8.1	Non compliance of PPE.	
8.2	Lack of coordination.	
8.3	Faulty machinery	
8.4	Defective tools /tackles.	
8.5	Wrong procedure.	
8.6	Lack of alertness /concentration	
8.8	Lack of attention on job.	
9	Name of the supervisor/foreman	
9.1	Signature of the supervisor/foreman	
9.2	Date & time.	

# D

## Appendix D – Multilateral Environment Agreements

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The following information summarises the Multilateral Environment Agreements (MEA) that Fiji is a participating member of. The MEA's play a critical role in defining, regulating, and administering, the overall framework of environmental laws and conventions of a particular country.

### **United Nations Framework Convention on Climate Change (UNFCCC)**

The UNFCCC entered into force on 21 March 1994 and has near-universal membership. The 197 countries that have ratified the Convention are called Parties to the Convention. The ultimate aim of the UNFCCC is Preventing “dangerous” human interference with the climate system.

The ultimate objective of the Convention is to stabilize greenhouse gas concentrations "at a level that would prevent dangerous anthropogenic (human induced) interference with the climate system." It states that "such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner."

It is noted that the UNFCCC is a “Rio Convention”, one of two opened for signature at the “Rio Earth Summit” in 1992. Its sister Rio Conventions are the UN Convention on Biological Diversity and the Convention to Combat Desertification. The three are intrinsically linked. It is in this context that the Joint Liaison Group was set up to boost cooperation among the three Conventions, with the ultimate aim of developing synergies in their activities on issues of mutual concern.

### **Kyoto Protocol**

The Kyoto Protocol was adopted on 11 December 1997. Owing to a complex ratification process, it entered into force on 16 February 2005. Currently, there are 192 Parties to the Kyoto Protocol.

In short, the Kyoto Protocol operationalizes the UNFCCC by committing industrialized countries and economies in transition to limit and reduce greenhouse gases emissions in accordance with agreed individual targets. The UNFCCC itself only asks those countries to adopt policies and measures on mitigation and to report periodically.

The Kyoto Protocol is based on the principles and provisions of the UNFCCC and follows its annex-based structure. It only binds developed countries and places a heavier burden on them under the principle of “common but differentiated responsibility and respective capabilities”, because it recognizes that they are largely responsible for the current high levels of GHG emissions in the atmosphere.

In its Annex B, the Kyoto Protocol sets binding emission reduction targets for 37 industrialized countries and economies in transition and the European Union. Overall, these targets add up to an average 5 per cent emission reduction compared to 1990 levels over the five year period 2008–2012 (the first commitment period).

On the 8 December 2012, the Doha Amendment to the Kyoto Protocol was adopted for a second commitment period, starting in 2013 and lasting until 2020.

### **Paris Agreement**

The Paris Agreement is a legally binding international treaty on climate change. It was adopted by 196 Parties on 12 December 2015 and entered into force on 4 November 2016. Its goal is to limit global warming to well below 2, preferably to 1.5 degrees Celsius, compared to pre-industrial levels.

To achieve this long-term temperature goal, countries aim to reach global peaking of greenhouse gas emissions as soon as possible to achieve a climate neutral world by mid-century.

The Paris Agreement is a landmark in the multilateral climate change process because, for the first time, a binding agreement brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects.

### **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal**

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted on 22 March 1989 by the Conference of Plenipotentiaries in Basel, Switzerland, in response to a public outcry following the discovery, in the 1980s, in Africa and other parts of the developing world of deposits of toxic wastes imported from abroad. The Convention entered into force in 1992.

The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes. Its scope of application covers a wide range of wastes defined as “hazardous wastes” based on their origin and/or composition and their characteristics, as well as two types of wastes defined as “other wastes” - household waste and incinerator ash.

### **Stockholm Convention on Persistent Organic Pollutants**

Exposure to Persistent Organic Pollutants can lead to serious health effects including certain cancers, birth defects, dysfunctional immune and reproductive systems, greater susceptibility to disease and damages to the central and peripheral nervous systems. In response to this global problem, the Stockholm Convention on Persistent Organic Pollutants was adopted in 2001 and entered into force in 2004.

The objective is to protect human health and the environment from chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of humans and wildlife, and have harmful impacts on human health or on the environment. It requires its parties to take measures to eliminate or reduce the release of POPs into the environment.

### **Convention on Biological Diversity**

Signed by 150 government leaders at the 1992 Rio Earth Summit, the Convention on Biological Diversity is dedicated to promoting sustainable development. Conceived as a practical tool for translating the principles of Agenda 21 into reality, the Convention recognizes that biological diversity is about more than plants, animals and microorganisms and their ecosystems – it is about people and our need for food security, medicines, fresh air and water, shelter, and a clean and healthy environment in which to live.

The Convention on Biological Diversity entered into force on 29 December 1993. It has 3 main objectives:

- The conservation of biological diversity.
- The sustainable use of the components of biological diversity.
- The fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

### **Cartagena Protocol on Biosafety**

On 29 January 2000, the Conference of the Parties to the Convention on Biological Diversity adopted a supplementary agreement to the Convention known as the Cartagena Protocol on Biosafety. The Protocol seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology. It establishes an advance informed agreement procedure for ensuring that countries are provided with the information necessary to make informed decisions before agreeing to the import of such organisms into their territory. The Protocol contains reference to a precautionary approach and reaffirms the precaution language in Principle 15 of the Rio Declaration on Environment and Development. The Protocol also establishes a Biosafety Clearing-House to facilitate the exchange of information on living modified organisms and to assist countries in the implementation of the Protocol.

### **Convention of International Trade in Endangered Species**

The Convention on International Trade in Endangered Species of Wild Fauna and Flora is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

Because the trade in wild animals and plants crosses borders between countries, the effort to regulate it requires international cooperation to safeguard certain species from over-exploitation. This Convention was

conceived in the spirit of such cooperation. Today, it accords varying degrees of protection to more than 35,000 species of animals and plants, whether they are traded as live specimens, fur coats or dried herbs. CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of the World Conservation Union. The text of the Convention was finally agreed at a meeting of representatives of 80 countries on 3 March 1973, and on 1 July 1975 it entered in force.

The Convention is an international agreement to which countries adhere voluntarily. Countries that have agreed to be bound by the Convention are known as Parties. Although the Convention is legally binding on the Parties – in other words they have to implement the Convention – it does not take the place of national laws. Rather it provides a framework to be respected by each Party, which has to adopt its own domestic legislation to ensure that Convention is implemented at the national level.

### **Convention on Migratory Species**

The Convention on Migratory Species provides a global platform for the conservation and sustainable use of migratory animals and their habitats. This Convention brings together the States through which migratory animals pass, the 'Range States', and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range.

As the only global convention specializing in the conservation of migratory species, their habitats and migration routes, the Convention complements and co-operates with a number of other international organizations, NGOs and partners in the media as well as in the corporate sector.

Parties to the Convention strive towards strictly protecting the listed migratory animals, conserving or restoring the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them. Besides establishing obligations for each State joining the Convention, the Convention promotes concerted action among the Range States of many of these species.

### **Convention of Wetlands (Ramsar)**

The Ramsar Convention on Wetlands is an intergovernmental treaty for the conservation and wise use of wetlands and their resources.

Parties to the Convention:

- designate wetlands for inclusion on the List of Wetlands of International Importance
- promote the significance of these wetlands and monitor and advise of any changes to their ecological character
- promote the wise use of all wetlands, especially through national policy on wetland conservation management
- promote conservation of wetlands and waterfowl by establishing nature reserves on wetlands to compensate for any loss of wetland resources of listed sites, encourage research, increase waterfowl populations and promote training in wetlands research and management
- promote international cooperation in wetlands conservation, including the sharing of resources and expertise.

All Ramsar Convention Contracting Parties are required to submit regular reports to the Ramsar Secretariat. These reports cover:

- work to implement the Convention, and
- on the management of sites that have been listed as Wetlands of International Importance.

### **World Heritage Convention**

The 1972 World Heritage Convention links together the concepts of nature conservation and the preservation of cultural properties in a single document. The Convention recognizes the way in which people interact with nature, and the fundamental need to preserve the balance between the two. There are five key objectives:

- Strengthen the Credibility of the World Heritage List, as a representative and geographically balanced testimony of cultural and natural properties of outstanding universal value.
- Ensure the effective Conservation of World Heritage properties.
- Promote the development of effective Capacity-building measures, including assistance for preparing the nomination of properties to the World Heritage List, for the understanding and implementation of the World Heritage Convention and related instruments.
- Increase public awareness, involvement and support for World Heritage through communication.
- Enhance the role of communities in the implementation of the World Heritage Convention.

The Convention sets out the duties of States Parties in identifying potential sites and their role in protecting and preserving them. By signing the Convention, each country pledges to conserve not only the World Heritage sites situated on its territory, but also to protect its national heritage. The States Parties are encouraged to integrate the protection of the cultural and natural heritage into regional planning programmes, set up staff and services at their sites, undertake scientific and technical conservation research and adopt measures which give this heritage a function in the day-to-day life of the community.

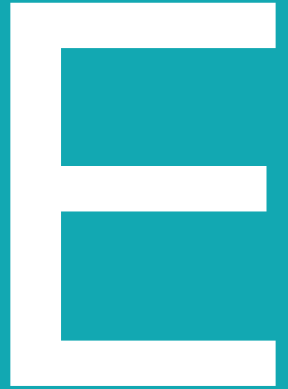
It explains how the World Heritage Fund is to be used and managed and under what conditions international financial assistance may be provided.

### **Noumea Convention**

The Noumea Convention is also known as the Convention for the Protection of Natural Resources and Environment of the South Pacific Region (1986) or the Secretariat of the Pacific Regional Environment Programme Convention.

The Convention, which entered into force in 1990, is a comprehensive umbrella agreement for the protection, management and development of the marine and coastal environment of the South Pacific Region, and represents the legal framework of the Action Plan for managing the Natural Resources and Environment of the South Pacific.

The Noumea Convention is the Pacific region component of United Nations Environment Programme Regional Seas Programme launched in 1972. The Programme aims to address the accelerating degradation of the world's oceans and coastal areas through the sustainable management and use of marine and coastal environments. In order to achieve this objective, the Programme has functioned in conjunction with Action Plans which have been underpinned with a strong legal framework in the form of a regional Convention and associated Protocols on specific problems.



## Appendix E – Environmental and Social Screening Form Template

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### Environmental and Social Screening Checklist - 40 Bridges & 3 Jetties - FIJI

<b>Subproject Name (bridge/jetty site)</b>			
<b>Location (island, division, ward/village)</b>			
<b>Date:</b>			
<b>Has any consultation with the community/stakeholders been undertaken previously?</b>	<b>Yes</b>	<b>No</b>	If relevant, please include a summary of previous feedback or expected consultation still required.
<p>Please attach google image or map of subproject area along with drawing or figure of concept or initial design.</p> <p><b>Summary of items/areas of interest/significance within subproject site:</b></p> <p><b>Summary of potential additional studies identified:</b> All assessments will be undertaken prior to preliminary design being finalised with details included in Volume Two and Three of the Environmental and Social Management Plan. Any recommendations and/or mitigation to be incorporated within the detailed design, with site specific mitigation included within bidding documents, which the contractor will be required to incorporate within a Contractor's Environmental &amp; Social Management Plan (CESMP) that will be implemented during the subproject works:</p>			

Q no.	ESF topic and question	Yes, No, TBA	What is the potential impact?	Risk Likelihood <i>State: Likely, possible, unlikely, remote/rare</i>	Risk Consequence <i>State: Low, Medium, High</i>	Risk Rating (likelihood x consequence) <i>State: Low, Moderate, Substantial, High</i> * Refer to Annex 1		Description Please include any important information to be considered regarding this risk, such as type, frequency, timing, existing levels etc.	Suggested mitigation to reduce/avoid risk and/or specialist studies required to further assess
						Prior to mitigation	With mitigation suggested		
<b>Labour and working conditions</b>									
1	Does the subproject pose a risk that child labour and/or forced labour could be used for activities?								
2	Does the subproject pose an increased risk to supply chain labour workers?								
3	Are there skilled and/or semi-skilled workers available in the subproject area?								
4	Does the subproject include activities that could create hazardous work conditions or may expose workers or the community to unsafe work practices?								
<b>Health and safety</b>									
5	Is the size of the workforce known?								
6	Is the origin of workers known (based on likelihood of national or international bidding)? Circle one, if known: <ul style="list-style-type: none"> <li>• Local nationals</li> <li>• Nationals from other areas</li> <li>• International</li> <li>• Combination of both national and international</li> </ul>								
7	Does the subproject, during construction or operation, either pose or increase the risk of: <ul style="list-style-type: none"> <li>• Gender-Based Violence (GBV),</li> <li>• Sexual Exploitation and Abuse (SEA)</li> <li>• Violence against Children (VAC)?</li> </ul>								
8	Are there service providers in the subproject area to provide incident response and support if there is a GBV/SEA/VAC incident?								

9	Is the subproject area subject or prone to natural disasters or extreme weather events?							
10	Does the subproject pose a risk of community or worker exposure to emergency events or health and safety hazards?							
11	Does the subproject pose increased risk of community exposure to water-borne, water-based, water-related and vector-borne diseases?							
12	Does the subproject (construction or operation) increase the risk of communicable diseases spreading at a greater rate, or with unique social groups. Communicable diseases include HIV/AIDS, other sexually transmitted or contagious infections/ diseases.							
13	Does the subproject pose an increased risk of COVID-19 community transmission?							
14	Are subproject construction-related activities likely to negatively affect any public facilities or other sensitive receivers/facilities, such as public parks, playgrounds, schools, hospitals or churches/temples/mosques pagodas?							
15	Is the subproject likely to involve use of security personnel (i.e. security guards, police, army personnel) during preparation, construction, operation and/or decommissioning?							
16	Is the subproject, during construction or operation, likely to disrupt traffic in the area?							
17	Is the subproject, during operation, likely to result in an increase in traffic volume or traffic speeds in the area?							
18	Does the subproject, during construction, require establishment of a worker's camp or other worker facilities?							
19	Does the subproject pose a risk that women, cultural groups and/or other vulnerable groups							

	may be more adversely impacted by the subproject?							
<b>Land acquisition, restrictions on land use and involuntary resettlement</b>								
20	Does the subproject affect landowners and/or land users by requiring temporary and/or permanent access to, use of, or limiting access to or use of land for landowners/users? This includes changing the zoning of land.							
21	Does the subproject require the involuntary relocation of any individuals, households, groups, or communities?							
22	Is the subproject likely to affect productive or other income-generating assets of individuals or households?							
23	Is the subproject likely to affect structures (houses, shops, sheds, walls/fences etc) of individuals or households?							
24	Is subproject-related land acquisition or resettlement likely to affect disadvantaged or vulnerable individuals, households, or groups (i.e., informal settlers, women, people without legal title, poor, minorities, refugees)?							
25	Are there any squatters, non-titled people or temporary residents living on, or using, land required for the subproject? Will they need to be moved or relocated due to subproject activities?							
26	Are there land-use right disputes, claims, or other issues that could affect land required for the subproject?							
<b>Biodiversity conservation and sustainable management of living natural resources</b>								
27	Is the subproject likely to cause degradation of land and/or ecosystems?							
28	Is the subproject likely to create air pollution during construction and/or operation?							
29	Is the subproject likely to impact water quality during construction and/or operation?							

30	Does the subproject area contain natural <sup>4</sup> or critical habitat <sup>5</sup> as defined within the World Bank ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources.							
31	Is the subproject likely to affect ecosystem services? <sup>6</sup>							
32	Is the subproject located in/or adjacent to (please indicate any that are relevant)? <ul style="list-style-type: none"> <li>• Protected area</li> <li>• Buffer zone of protected area</li> <li>• Key biodiversity area</li> <li>• Mangroves</li> <li>• Wetland</li> <li>• Estuary</li> <li>• Community managed area</li> </ul>							
<b>Indigenous people</b>								
33	Are there any non-indigenous cultural or ethnic groups in the subproject area?							
34	Does the subproject require use of lands or territories i.e. i-Taukei land (on either temporary or permanent basis) which are under the customary control, ownership, or use of indigenous people?							
35	Does the subproject require use of lands or territories (on either temporary or permanent basis) which are used by non-indigenous cultural or ethnic groups?							

<sup>4</sup> As per ESS6 GN Natural habitats are areas composed of viable assemblages of plant and/or animal species of largely native origin, and/or where human activity has not essentially modified an area's primary ecological functions and species composition.

<sup>5</sup> As per ESS6 GN Critical habitat is defined as areas with high biodiversity importance or value, (a) including: habitat of significant importance to Critically Endangered or Endangered species, as listed in the IUCN Red List of threatened species or equivalent national approaches; (b) habitat of significant importance to endemic or restricted-range species; (c) habitat supporting globally or nationally significant concentrations of migratory or congregatory species; (d) highly threatened or unique ecosystems; ecological functions or characteristics that are needed to maintain the viability of the biodiversity values described above in (a) to (d).

<sup>6</sup> Ecosystem Services refers to provision of food (subsistence or commercial fishing), carbon sequestration, cultural heritage, soil contamination, habitat for organisms, acts as flood mitigation or coastal protection,

36	Is the subproject likely to affect natural resources used by indigenous people/groups or other cultural or ethnic groups?							
<b>Cultural heritage</b>								
37	Does the subproject include activities such as excavations, demolitions, earth movements, water and/or other substances storage, or changes to physical environment that could affect <u>tangible</u> cultural heritage values?							
38	Is there a risk that subproject activities could be located in or near—including both legally recognized or protected areas and non-designated or legally recognized areas—a sacred site or cultural/heritage area including but not limited to graves, temples, or other sacred sites, as well as any sacred groves or forests, or culturally important landscapes, or assets such as rare books, manuscripts, and paintings?							
39	Is there a risk that subproject activities could require relocation of graves, sacred sites, or cultural heritage resources expected?							
40	Is there a risk that subproject activities could affect <u>intangible cultural heritage</u> i.e. non-physical elements, that may be located entirely beneath, partially above, or entirely above the land or water surface (including practices, expressions, knowledge, skills, instruments, objects, artifacts and cultural spaces that communities or groups recognize as part of their cultural heritage)?							
41	Is there a risk that subproject activities could include any activities likely to affect any UNESCO, iTaukei Affairs, or Fiji Museum cultural sites?							
42	Is there a risk that subproject activities could be located in legally recognized and/or legally							

	protected areas or defined buffer zones designated for the protection of cultural heritage?							
43	Is there a risk that subproject activities could affect cultural heritage in an area that is not designated or legally recognized for protection of cultural heritage?							
44	Is there a risk that subproject activities could affect natural features of cultural heritage such as sacred groves or forests, or locally culturally important landscapes?							
45	Is there a risk that subproject activities could affect cultural heritage assets that are movable (i.e., rare books, manuscripts, paintings, etc)?							
<b>Stakeholder engagement and information disclosure</b>								
46	Has the consultation process identified stakeholders in the subproject area who are vulnerable (such as the poor, women, specific cultural/ ethnic groups, people with disabilities or people who might be disadvantaged due to age, sexual orientation, or sexual identity) and who may require special or additional attention in subproject design and implementation?							
47	Does the subproject involve activities, works or elements which are known to be sensitive or controversial among subproject stakeholders including CSO or NGOs?							
48	Is there potential for any public opposition to the subproject?							
49	Is the subproject likely to face any barriers or challenges that could affect meaningful consultation with stakeholders?							
<b>Summary: overall assessment of environmental and social risks and impacts</b>								
50	Is the subproject located in an area with known values for: (indicate as relevant)? <ul style="list-style-type: none"> <li>• Ecology/biodiversity</li> <li>• Social context</li> <li>• Cultural heritage</li> </ul>							

	<ul style="list-style-type: none"> <li>Spiritual context</li> <li>Other important values</li> </ul>							
51	Are there any legacy issues in the subproject area likely to exacerbate E&S risks or impacts (i.e., health risks to local communities associated with previous contamination; legacy issues with regard to land use or involuntary resettlement)?							
52	Is the subproject area prone to climate risk and/or natural hazards (i.e., earthquake, landslides, floods, storm surge, etc.) which could affect subproject viability, exacerbate environmental impacts and/or increase safety concerns of subproject-affected communities?							
53	Does the subproject present risks to individuals or groups who, because of their circumstances, may be disadvantaged or vulnerable (e.g. due to age, gender, ethnicity, race, religion, dependence on natural resources, disabilities, land tenure, social or economic status, sexual orientation, and sexual identity)							
54	Is the subproject located in an area where there are activities and/or developments, which cumulatively, could affect subproject viability, exacerbate environmental impacts and/or present increased impacts or safety concerns to subproject-affected communities?							
55	Have alternative locations for subproject activities been identified and/or evaluated that would avoid and/or reduce any of the foregoing potential risks and impacts?							

**Screening Form - Annex 1: Risk Matrix and Rating**

	<b>Labour / Working Conditions</b>	<b>Health and Safety</b>	<b>Environmental / Biodiversity conservation and sustainable management of living natural resources</b>	<b>Social / Indigenous people</b>	<b>Land acquisition/ restrictions on land use / involuntary resettlement</b>	<b>Cultural heritage</b>
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Risk Consequence						
<b>High</b>	Appropriate OHS training and PPE not provided. Proper Health and Safety	Permanent injury / illness or fatality	Permanent or long term (>1 year) negative effect.	Localised and reversible (<2 years) or irreversible and immediate	Involuntary relocation	Recorded sites will be permanently disturbed, such as relocation of graves, sacred sites, or cultural heritage resources
	Workers without contract. Informal hiring practices	Natural Disaster / extreme weather event causing damage / injury or disrupting work for extended period (>2 weeks)	Impacts which are irreversible (removal of mangroves, terrestrial, marine ecosystem).		Permanently affects indigenous or ethnic land	
	Absence of or poor grievance mechanisms					
	Remoteness of site					
<b>Medium</b>	Workers Exploitation in terms of conditions of employment & discrimination over vulnerable people	Injury / illness with time off	Recoverable long-term (>3 month - 1 year) negative effect	Localised and reversible (in less than 1 year), or immediate and reversible.	Temporary or permanent access or works affect non-residential structures	Unrecorded sites may be disturbed
		Natural Disaster / extreme weather event disrupting work for extended period (>3 days - 2 weeks)		Local community concern	Temporarily affects indigenous or ethnic land	
		Structure exacerbates risks from natural disaster / extreme weather				
<b>Low</b>	Community risk on infectious disease	Injury / illness with no time off (for example minor injury treated onsite with first aid)	Short term (<3 months) recoverable negative effect (application of mitigation measures)	Immediate and reversible (in less than 6 month)	Temporary access required	No sites disturbed.
		Natural disaster / extreme weather event disrupting work for short period (<3 days)	No environmental damage			

	Risk Consequence		
Likelihood / Probability	Low	Medium	High
Remote / Rare	Low	Low	Moderate
Unlikely	Low	Moderate	Moderate
Possible	Moderate	Moderate	Substantial
Likely	Moderate	Substantial	High

Risk Rating
High
Substantial
Moderate
Low