

Environmental Assessment Report

ADB Project No.: XXXX-FIJ

WBG Project No.: XXXX

Status: Draft for disclosure

Date: September 2024

Fiji: Critical Bridges Resilience Project

Environmental and Social Impact Assessment -

Volume 2 - Annex B: Labor Management Procedure

Prepared by Fiji Roads Authority

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Fiji: Critical Bridges Resilience Project - Environmental and Social Management Plan

Annex B: Labor Management Procedure

Prepared for Fiji Roads Authority

Prepared by Beca International Consultants Ltd in association with Erasito Consultants Ltd and PLANIT Pacific Ltd

22 May 2024



Revision History

Revision N°	Prepared By	Description	Date
1	Manisha Nandan, Julia Whippy	Internal review by Beca International Consultants	20/02/2022
2	Andrew Hill	For Client review	28/02/2022
3	Cole Burmester	Final Draft including Client comment	06/05/2022
4	Cole Burmester	Final	09/06/2022
5	Cole Burmester	Final v2	04/08/2022
6	Cole Burmester	Final v3	03/11/2022
7	Jean Williams	Final v4 formatted for CBRP as draft for disclosure	09-Sep-24

Document Acceptance

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Abbreviations

ADB	Asian Development Bank
CBRP	Critical Bridges Resilience Project
CESMP	Construction environmental and social management plan (of the civil works contractor)
CLO	Community liaison officer (of the civil works contractor)
COEP	Codes of Environmental Practice
COVID-19	Coronavirus SARS-CoV-2
CSC	Construction supervision consultant
DOE	Department of Environment
DOL	Department of Lands
EIA	Environmental impact assessment
ERA	Employment Relations Act 2007
ESF	Environmental and Social Framework (of the World Bank Group)
ESIA	Environmental and social impact assessment
ESM	Environmental and social management
ESMP	Environmental and social management plan
ESS	Environmental and social standard (of the WBG's ESF)
FRA	Fiji Roads Authority
GBV	Gender-based violence
GOF	Government of Fiji
GRM	Grievance redress mechanism
LARP	Land acquisition and resettlement plan
MLMR	Ministry of Lands and Mineral Resources
MOF	Ministry of Finance, Strategic Planning, National Development and Statistics
MOAW	Ministry of Agriculture and Waterways
MOU	Memorandum of Understanding
MWTPU	Ministry of Works, Transport and Public Utilities
NGO	Non-governmental organisation
NTC	Notice to contractor
PRIF	Pacific Region Infrastructure Facility
SEAH	Sexual exploitation, abuse and harassment
SEP	Stakeholder engagement plan
TLTB	iTaukei Lands Trust Board
TIIP	Transport Infrastructure Investment Project (financed by WBG)
TIISP	Transport Infrastructure Investment Project (financed by ADB)
UNFCCC	United Nations Framework Convention on Climate Change
WBG	World Bank Group

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1 Introduction

1.1. Background

Rationale for the project. In 2014 and 2015 respectively, the Asian Development Bank (ADB) and the World Bank Group (WBG) approved a US\$150.0 million investment to the Government of Fiji (GOF) as the Transport Infrastructure Investment Sector Project (TIISP) for ADB and the Transport Infrastructure Investment Project (TISP) for the WBG. Overall the projects seek to improve the resilience and safety of land and maritime transport infrastructure through repairing, rehabilitating, reconstructing or upgrading selected roads, bridges and rural jetties and aims to improve access to socioeconomic opportunities by supporting the government to upgrade and rehabilitate land and maritime transport infrastructure. With financing through the projects, the FRA contracted a consulting firm to prepare feasibility studies, engineering designs, due diligence, and bidding documents for the rehabilitation and/or reconstruction of up to 40 bridges and three jetties.

The Project. Through a process of existing condition and vulnerability assessment the FRA has identified, out of the 40 bridges, ten bridges with severe structural issues and in critical need of replacement. Through a further process of technical and prioritization studies, out of the ten, four bridges were selected for financing by the ADB and WBG as the Critical Bridges Resilience Project (for ADB) and the Climate Resilient Bridges Project (for WBG), hereinafter ‘the project’. The bridges are located on the ring (largely coastal) road of Viti Levu, Fiji’s largest island and home to the greatest proportion of the country’s population. The bridges have been divided into two contract packages as follows:

- Contract package A – Medraukutu and Lami bridges
- Contract package B – Viseisei and Sabeto bridges.

Implementation arrangements. The Ministry of Finance, Strategic Planning, National Development and Statistics (MOF) is the executing agency, and the FRA is the implementing agency for the CBRP. Following project approval, early in project implementation the FRA will establish a project management unit (PMU) which will be supported by a construction supervision consultant (CSC) including safeguards specialists and an engineer as employer’s representative.

1.2. Approach to the Due Diligence

1.2.1 Country Environmental and Social Framework

Environmental management. The Fiji country environmental and social framework is detailed in the environmental and social impact assessment (ESIA) prepared for the project. The FRA has submitted screening forms to the Department of Environment (DOE) as part of the process for application for project development consent under the Environment Management Act 2005 (EMA). The DOE has determined that none of the four bridges will require environmental impact assessment under the EMA. The ESIA’s prepared to comply with the requirements of ADB and WBG will be submitted to DOE for information.

The country environmental and social framework also includes a number of regulations prepared under the EMA, the Codes of Environmental Practice, and other legislation covering climate change, health and safety, biosecurity, rivers and streams, wildlife protection, natural disaster management, that are relevant to the project, and these have been identified in the ESIA.

There are also a number of pieces of legislation relevant to accessing land that apply to the project.

State Lands Act 1978 (Amended 1997). This act relates to the control, administration development, and disposal of state land in Fiji. Key provisions include: Section 3 which mandates that state land is only to be alienated in accordance with this act (subject to other Acts including the iTaukei Land Trust Act, the Mining Act, the Oil Mines Act and the Forest Act). Section 4 Crown can acquire or lease land pursuant to the Land Transfer Act. Under Section 6 and Part IV the Minister and the Director of Lands may make grants or leases of state land. Part V lists special provisions in relation to foreshore land and soil under the waters of Fiji. Subsidiary legislation under this act includes the State Land Leases and Licences Regulation.

State Land Acquisition Act 1940. This is an act to regulate the acquisition of land by the state for ‘public purposes’ which are defined under the act as “...the utilization of land necessary or expedient in the interest of defence, public safety, public order, public morality, public health, town planning, or the utilization of any property in such a manner as to promote public benefit.” Section 3 enables an acquiring authority to acquire land for a public purpose in return for payment of consideration or compensation. Sections 6 to 7 also allow an acquiring authority to compulsorily acquire land subject to court authorisation and the payment of compensation. In 1998, minor amendments were made to the act. All types of land can be acquired for public purpose under this act. It provides that legal title holders have a right to compensation and a right to legal proceedings for solving disputes and grievances.

iTaukei Lands Act 1905. This act recognizes to maintain customary ownership of iTaukei lands and provides a legal basis for traditional communal decision-making about land use and management of terrestrial resources. Decisions about occupation, use and management of land are made primarily at the mataqali level, within traditional decision-making structures and processes. and amendments recognizes customary land ownership is not transferable through land sales, but user rights can be transferred via land leases and licenses issued by the TLTB. Furthermore, since the TLTB, not the landowning units, issues the legally binding leases or agreements, which can be for agricultural, commercial, industrial, or other uses, TLTB decisions may take precedence over community-level land use decisions.

iTaukei Lands Trust Act 1940. This Act establishes the TLTB and allows the TLTB to enter into leases and licenses on behalf of traditional landowners. Leases and licenses must only be granted with the consent of the majority of landowners.

This legislation, along with the standard process for accessing land implemented by the Department of Lands (DOL), has been followed in developing the land acquisition and resettlement plans (LARP) prepared for the project.

Gaps between the country environmental and social framework and the environmental and social management (ESM) requirements of the ADB and WBG have been identified in the ESIA and LARP, along with proposed measures to fill the gaps.

1.2.2 The Shared Approach

The *Shared Approach for Management of Environmental and Social Risks and Impacts on Pacific Island Countries* ('Shared Approach') published by the Pacific Region Infrastructure Facility (PRIF) has been endorsed by the development partner members of PRIF as a collaborative effort to propose a shared approach to, and standard methods and procedures for, addressing ESM issues that are common in the delivery of projects in Pacific island countries (PICs).¹

The Shared Approach sets out methods and procedures for implementing ESM policies and requirements in a manner suitable to the PICs, recognizing a number of challenges and conditions unique to the Pacific. Further, it provides for standard, consistent and Pacific-appropriate approaches to ESM issues commonly encountered in the preparation and implementation of projects in the PICs.

The approach is intended to benefit the PICs through supporting and strengthening country ESM systems and encouraging (i) more efficient and effective project preparation and implementation by employing methods and procedures that are common among PRIF development partners and appropriate to a number of unique conditions in the PICs; (ii) use of the same terminology for environmental and social documents that are used by PRIF development partners and counterparts; and (iii) an improved counterpart understanding of development partner processes. In addition, the Shared Approach seeks to strengthen and assist the PICs to apply their CSS.

It is hoped that the Shared Approach will increase efficiency for PICs to manage the environmental and social risks of infrastructure projects through a harmonized approach. As such it assists development partners to converge on an approach to ESM that is shared and improves project-level safeguard performance.

1.2.3 Environmental and Social Framework

The Environmental and Social Framework (ESF) sets out the WBG's commitment to sustainable development, through a policy and a set of ten environmental and social standards (ESS) that are designed to support borrowers' systems in order that projects are designed and implemented, with the aim of ending extreme poverty and promoting shared prosperity.

As the Shared Approach is being implemented for the project, rather than the individual requirements of each development partner, the ADB has agreed that the ESF can be applied in lieu of the Safeguard Policy Statement as the ESF is a more recent set of ESM requirements representing best international practice.

Eight of the ten ESS are relevant to the project.

¹ The Shared Approach is not an interpretation of existing safeguard/ environmental and social policies nor does it propose to amend, revise or change the existing policies of the PRIF development partners. The Shared Approach recognizes that PRIF development partners may have specific policy requirements that are applicable for certain projects, and that these will continue to be applied where relevant.

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 WBG through investment project financing, in order to achieve environmental and social outcomes consistent with the suite of ESS.

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.

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.

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.

ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. Is based on the principle that 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.

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.

ESS7: Indigenous people. This standard applies to a distinct social and cultural group and recognizes that Indigenous Peoples have identities and aspirations that are distinct from mainstream groups in national societies and often are disadvantaged by traditional models of development . It recognizes that the situation of Indigenous Peoples varies from region to region and from country to country. The particular national and regional contexts and the different historical and cultural backgrounds will form part of the ESIA of the project

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.

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.

1.2.4 Due Diligence for the Project

An environmental and social risk screening form was developed for the project. The screening form covered key aspects of each of the eight ESS relevant to the project.

The screening, undertaken at the outset of the feasibility studies, identified that the four bridge sites contained areas of natural and/or critical habitat. Subsequently the CBRP was determined as ADB category A and as substantial risk for WBG due to the presence of several flora and fauna species triggering different criteria for critical habitat.

The due diligence covering the bridges has been split to align with the contract packaging.

An ESIA and LARP has been prepared for each contract package.

The ESIA is split into two volumes; volume 1 is the ESIA report (prepared for each contract package) and volume 2 contains the five stand-alone technical reports or supporting documentation as annexes including: Annex A – climate vulnerability risk assessment and disaster risk assessment; Annex B – labor management procedure; Annex C – ecological assessment; Annex D – stakeholder engagement plan; and Annex E – LARP (per contract package).

2 Overview of Institutional Arrangements

An organisation chart showing the linkages between institutions/stakeholders (including beneficiaries) is shown in Figure 2-1. The overall roles and responsibilities for environmental and social risk management for the project are outlined in Table 2-1.

Figure 2-1: Organisation chart of institution and stakeholders

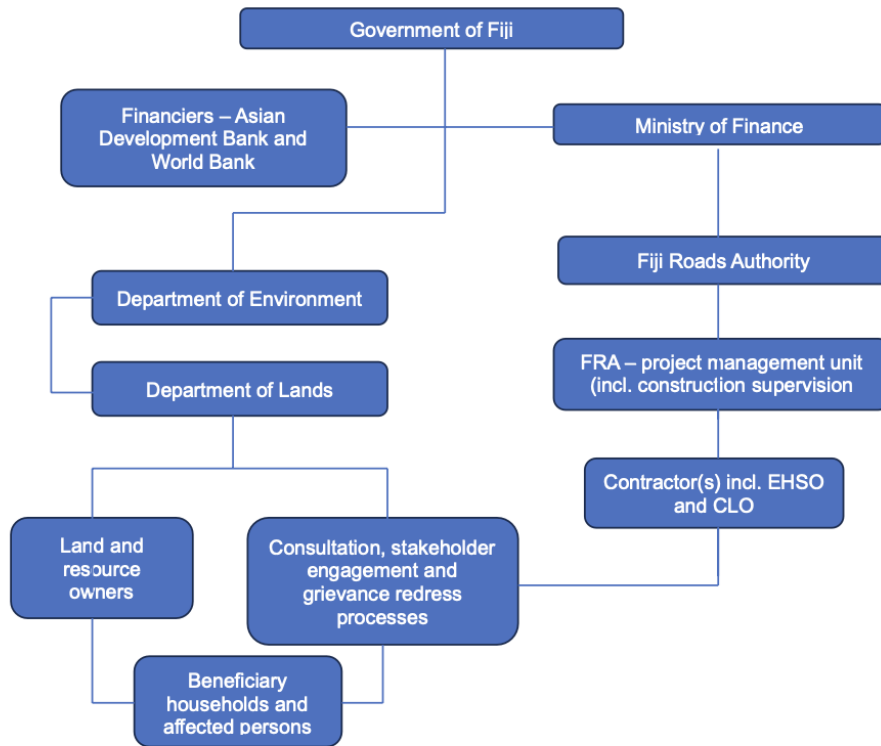


Table 2-1: Roles and responsibilities for environmental and social risk management

Responsibility	Role
MOF	<ul style="list-style-type: none"> • Guide the development of the project and institutional arrangements for the lifetime of the project • Ensure FRA has budget and resources to implement the project • Ensure that GOF complies with loan covenants and project agreements
FRA	<ul style="list-style-type: none"> • Ensure that the PMU is fully staffed and functional during the entire period of project implementation • Recruit, administer and supervise project management and technical consultants as required to assist the PMU deliver the project • Maintain website to facilitate disclosure of project information
FRA – PMU (incl. CSC)	<ul style="list-style-type: none"> • Ensure compliance with grant covenants, project agreements, development partners guidelines, procedures, and policies • Provide day-to-day support for project preparation and implementation activities • Review consultants' reports and ensure the outputs are suitable to the project objectives and government policies and regulations • Undertake screening of each subproject and submit to development partners for no objection • Updating and submission of due diligence reports and documents, including safeguards, to Development Partners for review and clearance • Submit reports and documents for clearance under MOF systems (laws and regulations) • Refinement of project priorities in agreement with MOF • Support to bid and contract document preparation including cleared EIA and development consent issued by DOE • As required, provide support as required to contractor as they prepare their CESMP • Review and clear CESMP (including Development Partners review) prior to contractor commencing any activities on site • Provide information to FRA for disclosure on the project page on FRA website • Maintain the overall GRM registry/record sheet and summarize for disclosure on project webpage • Review contractor implementation of GRM • Inspect and audit supervision consultant's monitoring and contractor compliance with approved CESMP • Submit periodic reports, including semi-annual safeguards monitoring reports, to Development Partners and executing agency • Reporting, investigation and response to incidents utilising WBG Environment and Social Incident Response Toolkit • Overall monitoring and reporting and disclosure of reports
DOE	<ul style="list-style-type: none"> • Review applications and make determinations for EIA, development consents and conditions • Develop and issue a TOR for any required EIA as required by the EIA Guideline and Environmental Management Act Regulations. • Review, monitor, and inspect the CESMP, including the monitoring program, protection plan or mitigation measure to ensure compliance with any approved determination
Ministry of Employment, Productivity and Industrial Relations	<ul style="list-style-type: none"> • Promote the Health and Safety at Work Act 1996 (HASAWA), its regulations, and Codes of Practice. • 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. • 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.

Responsibility	Role
	<ul style="list-style-type: none"> • 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. • Provide health and safety awareness to businesses, NGO's, private organisations, statutory authorities, and Government Departments. • Promotion of principles and rights at work standards, and compliance functions of Employment Relations Act (ERA) 2007 and its subsidiary Regulations. • Provide mediation services, where necessary, to assist parties to explore options and arrive at a fair and amicable outcome. • Processing / Payment of compensation to workers and/or their dependents pertaining to injuries or death occurring at workplace.
Development partners and/or financiers	<ul style="list-style-type: none"> • Review project implementation through stages and review and clear screening forms, due diligence reports, designs etc • Provide clearances (no objection) to required reports/documents, bid documents and bid evaluation reports, contract awards, CESMP, monitoring reports, disclose reports • Provide support and assistance to FRA and PMU as required • Undertake regular project review missions
Contractor	<ul style="list-style-type: none"> • Prepare, and submit for approval, the CESMP • Implement and monitor the approved CESMP • Ensure all workers and subcontractors are aware of CESMP provisions and requirements • Ensure all workers and subcontractors are aware of project's GRM and maintain GRM registry/record sheet • Designate a full-time environmental, health and safety officer (and deputy) responsible to oversee, monitor and record implementation of CESMP • Report on CESMP implementation on a monthly basis to PMU • Obtain all consents and permits as required for the works • Develop and maintain accident and incident registry • Implement the relevant elements of the GRM and SEP • Prepare and submit monthly reports; provision of regular training as outlined in CESMP • Ensure all management are aware of CESMP provisions, responsibilities and requirements. • Ensure all workers and management understand, agree, adhere to and sign codes of conduct (management or worker)

3 Overview of Labour Management Procedure

3.1. Introduction

The labour management procedure (LMP) has been developed to address ESS2 which applies to all WBG 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 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.

4 Overview of Fiji Labour Legislation

4.1. Terms and Conditions

4.1.1 Overview of Fiji Employment Relations Act 2007

The Standards for Labour and Working Conditions are defined in the Fiji Employment Relations Act 2007 (ERA). 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:

- No person shall be required to perform forced labour.
- 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.
- 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).
- Every employer shall pay male and female workers equal remuneration for work of equal value.
- A worker is not obliged to join a trade union.
- 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.

- Any condition specified in subsection (6) in an employment contract or in any written law is void.

4.1.2 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 4-1: -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"> - Foreman \$5.22/hr - Leading hand \$4.47/hr - Watchman \$2.69/hr - Heavy plant operators \$4.52/hr - Light plant operators \$4.35/hr - Clerk \$3.81/hr - Unskilled worker \$3.17/hr
Overtime hours	<ul style="list-style-type: none"> - In excess of 8hrs and 9hrs, - Weekdays = 1 ½ x worker's normal rate of pay - Sunday = double time x worker's normal rate of pay - P/holidays = double time x worker's normal rate of pay
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:

- the employee's name and Fiji National Provident Fund membership number
- the nature of employment or job classification

- the days or hours worked at normal rates of pay
- the rate of wages
- the type of wage period
- the amount of overtime worked during any wage period and the rate of wages payable for such overtime, and
- (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.

4.1.3 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:

- 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.
- 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.
- 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 ERA, employers should incorporate rest breaks into their policies where employees must be granted a rest break and a minimum of one 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.

4.1.4 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 three 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 three-day Bereavement Leave and one day family care leave with full pay per year is also a standard entitlement under the employment contract.

4.1.5 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 three births, to the normal remuneration she would have received as if she had been at work, and (b) for the fourth 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. While 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.

4.2. Occupational Health and Safety

4.2.1 Health and Safety at Work 1996

The Health and Safety at Work Act 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:

- Comply with all the statutory rules and requirement of the Act,

- 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,
- Provide and maintain all buildings, facilities, equipment and systems of work that are safe, and which do not pose undue risk to health, and
- 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 the act 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 act 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 act 1996.

4.2.2 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 project 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.

5 Roles and Responsibilities

The FRA PMU will have responsibility for overseeing all areas of the LMP implementation, with a specific attention on contractor compliance and reporting to ADB, ADB and WBG. 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 contract package, which will be monitored by FRA's PMU on a monthly or on a more frequent basis at the initial implementation stage. The LMP developed by the contractor(s) will address the following matters.

5.1.1 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.

5.1.2 Labour and working conditions

Contractors must retain records in compliance with the LMP specifications and will record key data on a weekly basis. 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 progress reports to the financier and/or development partner must include a summary of issues and remedial actions. Based on information provided in the contractors' monthly reports, the quarterly reports will contain summary of weekly data on the number of workers by sex and age, type of work undertaken, and salary or wages paid for the work.

5.1.3 Worker grievances

The current FRA processes will be followed by all people working on the project. Contractors must submit a worker grievance redress procedure that complies with the LMP's minimum standards. A designated officer from the PMU will evaluate grievance records on a monthly basis.

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 national system through the Department of Labour Standards Services (DLSS) 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.

The Labour Complaints Resolution Unit (LCRU) under the DLSS 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 wages regulation and the national minimum wage.

Mediation is also encouraged in Part 20 of the ERA where mediation services are facilitated independently by the MEPIR 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.

5.1.4 Training and capacity development

Contractors are expected to have competent designated officers, and/or have recruited an experienced service provider, on board at all times to conduct and facilitate training. The contractor is responsible that all training for workers is delivered by experts in the field/topic of training. The contractor will ensure that training is delivered with the depth and frequency to address the level of associated risk. Training will include, but not be limited to: health and safety (including daily toolbox talks delivered by site supervisor or health and safety officer), basic CESMP requirements, code of conduct, communicable diseases (including sexually transmitted infections and HIV/AIDS) awareness and prevention, and GBV and SEAH awareness and prevention.

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. Training delivery by topic, type of training (toolbox talk, workshop, meeting, focus group etc), number of participants, frequency etc will be recorded by the contractor and included in the monthly report. Training activities and compliance with the training schedule included in the CESMP will be subject to monitoring.

FRA will procure training to address the risks connected with the worker influx.

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

6 Overview of Labour Use on the Project

6.1. Types of Labor on the Project

An overview of the numbers and type of workers, timing, general requirements, characteristics and experience of project workers expected to be involved in project delivery is described below.

As per ESS2 no persons under the age of 15 have been engaged on the project to date, and an explicit statement prohibiting the use of child labor on any project activities will be included in the bid and contract documents.

6.1.1 Direct workers

The project will be implemented by the FRA through a PMU to be established early following project approval. The total number of direct workers/employees of FRA to be dedicated to this project is yet to be confirmed. Details of female workers to be hired under the project are also not known at this stage.

About 10 workers employed by FRA have been involved with the consultants in developing the project to its current stage as part of the PMU of which eight are Fijian and two are international staff based overseas. Out of the 10 FRA working on the project to date, three are women and seven are men. The Fijian staff include project engineer, environmental officers, stakeholder/social safeguard managers, land valuers and technical officers.

The FRA will establish a project management unit (PMU) shortly after the project is approved by the GOF, ADB and WBG. The PMU will include FRA staff who are also considered direct workers.

6.1.2 Consultants and contract workers

Consultants. To date, during the preparation of the project, approximately 110 workers as consultants have been engaged on the project, of which 41 are Fijian and approximately 70 are foreign and based offshore.

To support the PMU, FRA will recruit a firm as the construction supervision consultant (CSC). The CSC will include national and international specialists engaged on both full-time and part-time or intermittent bases, as required. The CSC will include resident engineer (engaged as employer's representative), engineers, supervisors, national and international environmental management specialists, national and international health and safety specialists, and procurement specialists. The PMU will also be required to recruit, on an as required basis, specialist with specific inputs such as the ecologist to assist FRA to finalize and implement the biodiversity management and monitoring plan.

Resourcing of CSC will be sufficient to adequately cover oversight and management of the two contract packages. Specific requirements for environmental and social management have been identified in the ESIA's.

Contract workers. The project will likely engage multiple contractors to deliver the two contract 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 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.

6.1.3 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.

6.1.4 Casual labor and community workers

The project could also require casual labor and 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.

6.1.5 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. Project execution activities commenced in the fourth quarter of 2021 and will be completed in the fourth quarter of 2024 and construction will likely begin in 2025. However construction commencement is dependent on finalization and implementation of the land acquisition and resettlement plans, development and approval of the contractors' construction environmental and social management plans (CESMP), mobilization of workers and equipment, and weather conditions. The contractors will be aware of the cyclone season, which runs from November to April.

Work hours must not exceed eight hours per day and six days per week, 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.

6.1.6 Migrant and foreign workers

Foreign or migrant workers could be engaged under the project if a contractor delivering any of three contract packages is a foreign national company.

Migrant workers may also include a foreign worker or an expatriate worker who may be required for management roles or speciality skills that are not available locally.

Migrant workers require a work permit from Department of Immigration and will need to comply with all the immigration requirements. On 16th 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 for all foreign or migrant workers to be mobilized by a contractor will need to be incorporated into the contract documents. Key project documentation (CESMP, codes of conduct, training materials, employee contracts etc) will need to be translated into the languages of all nationalities of people to be engaged by the contractor.

6.2. Assessment of Potential Labour Risks

Labour risks associated with the project will be based on the nature and period of work activities, the environment and conditions (including weather), 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.

As the implementing agency FRA will have oversight of the entire project.

A summary of the bridge reconstruction/replacement works proposed under the project are:

- Mobilize to site
- Erection of required road signage and safety furniture
- Clearance of vegetation and debris
- Pile driving and installation of bridge components
- Construction of road, drainage, road-side curbs and/or footpath
- Embankment protection works including retaining wall construction when required
- Placement of the bridge super structure
- Landscaping works where necessary
- Painting and other related works as per drawings and specifications on handrails, curbs and other elements of the bridge

It is noted that the construction sequence will be defined for each bridge by the contractor in their construction program/schedule and construction approach.

6.2.1 Key labour risks

The key labour risks which may be associated with the project activities could include health and safety risks, and risks of worker exploitation and to the community.

Health and safety. The main health and safety risks are set out below. Mitigation measures for these are incorporated in the project ESMP and will be further elaborated by the contractor in their CESMP.

- 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
- Risks of working on water surface: May occur during the construction of river embankments and rehabilitation of drainage ditches
- 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
- 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
- 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
- Physical injury due to hard work: Back injuries caused by lifting heavy objects or improper posture.
- 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
- 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
- Bridge construction sites pose risks to the workers of constantly moving heavy vehicles and dump trucks manoeuvring around on an uneven terrain
- 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
- Heavy materials and equipment are expected to be constantly lifted and moved around by workers at site, which poses health and safety risks
- Collapsing of material borrow excavation with workers inside is a risk with the type of prevailing materials in the area

- Working at height for the bridge construction will also pose the risk of falling, and
- Risk of workers contracting a communicable disease (including COVID-19).

Worker exploitation and community risk. The risk of worker exploitation and community risks include:

- Potential to engage child labor for project activities
- Potential to engage forced labor for project activities
- Lack of knowledge or awareness of the worker grievance redress procedure and ability of workers to lodge grievances free of fear of intimidation or retribution
- 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
- 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
- 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), and
- 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.

These risks will be mitigated by the implementation of the LMP and development, implementation and monitoring of the contract package and worker and labor management plan (WLMP) to be developed by the contractor as part of their construction environmental and social management plan (CESMP).

The key labour risks that may be associated with project activities and respective management measures are identified in Table 6.1.

Table 6-1: Key labor risks and management measures

Key labour risks	Potential mitigation measures
<p>1. Health and safety</p> <p>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"> • Always wear hard hats when work is being performed overhead or when other work conditions call for it • Stack materials securely to prevent them from sliding, falling or collapsing • Whenever possible, avoid working under moving loads • Erect barricades and post warning signs at hazardous work zones • Inspect cranes and hoists prior to use to ensure all components are in good working order, including wire rope, lifting hooks and chains • Never exceed the lifting capacity of cranes and hoists • Allow only properly trained workers to use specific machines

Key labour risks	Potential mitigation measures
<p>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"> • Whenever possible, avoid working under moving loads • Always wear hard hats when work is being performed overhead or when other work conditions call for it • Stack materials securely to prevent them from sliding, falling or collapsing • Secure all tools and materials to prevent them from falling on people below • Use toe boards or guardrails on scaffolds to prevent objects from falling. Alternatively, use debris nets or catch platforms to grab falling objects • When working with machines or power tools that can produce flying particles, wear safety glasses, goggles or face shields • Inspect tools prior to use and be sure all guards are in place and in good working conditions • Erect barricades and post warning signs at hazardous work zones for the public to adhere to
<p>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"> • Induct and train workers and contractors in safe work procedures, emergency procedures and exclusion zones • Provide necessary personal protective equipment (PPE), such as life jackets • Erect barricades and post warning signs at hazardous work zones for workers and the public to adhere to • Regularly check and maintain equipment • Ensure the working environment is safe • Plan for emergencies and rescues
<p>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"> • Make sure not to undermine nearby structures – use safe digging practice and dig away from them • Prevent collapse by shoring, benching, or battering, the trench wall in accordance with FRA Road Works Standards and Specifications (September 2019). • Check the excavation each day before starting work and after any event that may affect its stability • To prevent collapse, do not assume ground will stand unsupported • Ensure that excavated materials, pipes, and machinery, are placed at least 1 metre away from the edge of the excavation or trench wall. • Establish safety controls including signage, fencing, and lighting in and around the area. • Provide safe access to get in and out.
<p>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"> • Identify overhead and underground powerlines by consulting with Energy Fiji Limited (EFL), • Induct and train workers and contractors in safe work procedures, emergency procedures and exclusion zones • Carefully plan the tasks to be completed near powerlines and work away from them whenever possible not towards or underneath them • Operators should use a safety observer when working near powerlines and • Follow the safety advice obtained from EFL
<p>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"> • Where possible, use mechanical aid • Decrease the weight of handled objects to acceptable limits • Reduce the weight by assigning two people to lift the load or by splitting the load into two • Ensure sufficient space for the entire body to turn • Locate objects within easy reach • Ensure that there is a clear and easy access to the load • Do not perform the lift if you're not certain that you can handle the load safely

Key labour risks	Potential mitigation measures
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	<ul style="list-style-type: none"> • Engage in communication • 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 • Plan ahead and identify specific health hazards at construction site • Provide all items for hygiene and handwashing
Bridge construction sites pose risks to the workers of constantly moving heavy vehicles and dump trucks manoeuvring around on construction site	<ul style="list-style-type: none"> • The approved Traffic Management Plan (part of the CESMP) is to be followed at all times by staff, with clear demarcation of vehicular movements through the construction work site. • Exclusion zones for vehicles and workers to be clearly marked on site and observed carefully. • 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. • Provide vehicle parking for the workforce and visitors away from the work area • 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 • Make sure that all drivers and pedestrians know and understand the routes and traffic rules on site. Use standard road signs where appropriate • Provide induction training for drivers, workers and visitors and send instructions out to visitors before their visit.
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.	<ul style="list-style-type: none"> • Choosing low noise machinery • Maintaining and lubricating equipment and machinery • Placing barrier between the noise and worker • Operating noisy machinery during times when fewer people are on-site • Providing quiet areas where workers can find relief during breaks • Protect workers from effects of excessive noise by offering them hearing protection devices such as ear muffs, ear plugs
Collapsing of material borrow excavation with workers inside is a risk with the type of prevailing materials in the area.	<ul style="list-style-type: none"> • Checking for underground services before work commences • 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 • Measures to prevent persons, materials or objects falling into the excavation or trench or the inrush of water into the excavation/trench • Avoid vehicular traffic near the excavations or trenches or ensuring it is kept to a minimum
Working at height for the bridge construction will also pose the risk of falling.	<ul style="list-style-type: none"> • Where possible, working at height should be avoided usually by carrying out tasks from the ground • Ensure all those at height are properly trained and supervised • Select work equipment that prevents falls • Ensure that equipment is suitable, stable and strong • Regularly check and maintain equipment • Provide any necessary personal protective equipment (PPE) and protection from falling objects • Ensure the working environment is safe • Plan for emergencies and rescues
Risk of workers contracting communicable diseases including COVID-19.	<ul style="list-style-type: none"> • Contractor to engage approved service provider to deliver the communicable diseases awareness and prevention program • Employees/contractors/visitors must actively declare that they are well and symptom free. • There must be clear directions from the Employer that employees are not permitted to attend the work site if they are experiencing

Key labour risks	Potential mitigation measures
	<p>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.</p> <ul style="list-style-type: none"> • The installation of clear signage at work site entrances and communal spaces should be considered. • 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. • Employees/contractors/visitors are responsible for their physical distancing and hygiene practices. • 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. • Employees/contractors/visitors must take steps to minimise the risk of transmission in the preparation, storage and consumption of food and beverages. • The Employer must detail how it will manage circumstances where employees / contractors / visitors have not complied with requirements/processes/systems implemented by the Employer.
<p>Risk of workers being hit by public vehicles, particularly speeding vehicles through worksites.</p>	<ul style="list-style-type: none"> • Work must be undertaken in accordance with an approved Traffic Management Plan that includes appropriate signage and measures to separate workers from public vehicles and slow public vehicles through worksites. • 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 • Provide firm, level, well drained pedestrian walkways that take a direct route where possible. • Provide necessary personal protective equipment (PPE), including high visibility clothing. • Ensure the working environment is safe at all times. • Plan for emergencies and appropriate response and train all staff.
Worker exploitation	
<p>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> <p>Potential for engaging child and/or forced labor</p>	<ul style="list-style-type: none"> • Tender and contract documents to include clear provisions regarding prohibitions on engagement of child and/or forced labor in respect of any project activities • Contractors to be required to main a register of workers by age, sex, type of employment and wages paid. The contractor will be required to compile daily data into weekly summaries and include the information in the monthly report • All workers to be advised of the worker GRM and the ability to lodge labor-related complaints free of intimidation or fear of reprisal • The employer must ensure to create an open-door policy in order to catch conflict early • Employer should create an environment of open communication so employees feel comfortable • Determine the severity of the situation by understanding the nature and root cause of the conflict • Provide training on conflict-resolution so better equipped to resolve conflicts • Improve teamwork • Know when to step in • Work together with both parties involved • Provide induction and regular training to contracted workers on environmental, social and occupational health and safety issue

Key labour risks	Potential mitigation measures
<p>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. Any sexual harassment and other forms of abusive behaviour by workers also have the potential to compromise the safety and wellbeing of the vulnerable groups of workers and the local communities.</p>	<ul style="list-style-type: none"> • Ensure that anti-discrimination policies in place and ensure proper training of workers • Ensure requirements for respectful working environment are well known by all people involved in the project • Mandatory training and awareness-raising for the workforce about standard of behaviour required (as per code of conduct) and refraining from unacceptable conduct toward local community members, especially women and older people • Informing workers about requirements for respectful behaviour with other workers and community members and national laws that make SEAH and GBV a punishable offence which is prosecuted • Ensuring project implements appropriate procedure/process for handling complaints or issues related to GBV and/or SEAH • Violations of FRA Code of Conduct and/or the code of conduct included by the contractor in employee's contracts will result in serious consequences up to and including dismissal or referral to legal authorities
Community risk	
<p>Contamination during infectious disease outbreaks if frequent and proper hygiene practices are not consistently applied (in particular frequent and proper hygiene and wearing masks to serve as barriers to human-to-human virus transmission).</p> <p>Risk of SEAH, GBV and VAC</p>	<ul style="list-style-type: none"> • The contractor will develop a worker code of conduct (WCOC) that will be included in individual employment contracts of all workers • The WCOC will include zero tolerance of bullying and harassment including SEAH, GBV and VAC. The detailed requirements for the WCOC are set out in the ESIA • The contractor will assign a focal point to implement and monitor prevention measures • Restrict entry to all visitors during the epidemic until further instruction • If a worker or any other individual feels ill, they must stay home • Visit the nearest Health Centre for further investigation and inform your supervisor for your absence
<p>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"> • Keeping pedestrians and vehicles apart through providing entry and exit gateways • Provide firm, level, well drained pedestrian walkways that take a direct route where possible • Ensure that drivers driving out onto roads can see both ways along the footway before they move on • Provision of parking for the visitors away from the work area and to control entry to work area • Ensure that no person comes within an unsafe distance of an overhead or underground electric line • Make powerlines and poles visible for people to see

7 Project Policies and Procedures

The FRA PMU is responsible for ensuring that the LMP is implemented, with 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.

7.1. FRA Code of Business Ethics and Conduct

Codes of conduct guide individuals as to how they should behave at the workplace and during times of work/period of project delivery. All employees need to be aware of what is expected of them in respect of behaviour.

FRA's Operations Manual (19-Jul-15) outlines the policies and procedures including a template code of conduct for workers, contractors, and suppliers suitable for elaboration as part of employment contracts and/or services or goods supply contracts. These will be subject to monitoring and reporting.

The contractor's workers and managers will also be required to understand, acknowledge and sign a code of conduct that will form part of their employment contract which stipulates how the workers and managers are to conduct themselves at the work place (including any area deemed to be part of work site i.e. worker's accommodation etc) during periods of work and out of work hours.

The code of conduct will establish the "rules" which will govern the conduct of all workers while they are at the site (including workers' accommodation) for the period of the contract. The code of conduct will raise awareness about Fijian cultural for foreign workers and establish the expected behaviour around women, children, and in communities, as well as the GRM and how complaints are to be handled. The code of conduct will outline the restrictions and/or prohibitions to be implemented including on fraternization between workers and community members, drug and alcohol consumption, as well as on hunting, fishing, trapping, poaching, or killing any wildlife.

The contractor will be required to take appropriate action for employees or subcontractors, including suspension or termination of employment or contract, if any form of unethical or inappropriate behaviour is identified. The contractor will provide training on both the LMP and code of conduct to raise awareness on and prevent any form of bullying, misconduct, discrimination, or GBV and SEAH and promote respectful work environment. The contractor will keep records of the training and include details in the monthly reports.

7.1.1 Overview

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:

- FRA Employee Standards of Conduct including: Gratuities, Conflicts-of-Interest, and Outside Employment
- 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.
- Code of Conduct set forth in the Director's Policy Manual
- Standards of Conduct set forth in the Fermilab Personnel Policies
- Outside Employment/Consulting Policy set forth in the Fermilab Personnel Policies
- Anti-Nepotism Policy set forth in the Fermilab Personnel Policies
- FRA Financial Interest Disclosure Policy set forth in the Fermilab Personnel Policies
- 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:

- Reject any plan, transaction, or arrangement involving unlawful or unethical conduct;
- 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;
- 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

- 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.

7.1.2 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?

7.1.3 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.

7.1.4 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
- Bullying and harassment
- SEAH, GBV and VAC
- Confidentiality
- Intellectual Propriety

Codes of conduct guide individuals as to how they should behave at the workplace and during times of work/period of project delivery. All employees need to be aware of what is expected of them in respect of behaviour.

FRA's Operations Manual (19-Jul-15) outlines the policies and procedures including a template code of conduct for workers, contractors, and suppliers suitable for elaboration as part of employment contracts and/or services or goods supply contracts. These will be subject to monitoring and reporting.

The contractor's workers and managers will also be required to understand, acknowledge and sign a code of conduct that will form part of their employment contract which stipulates how the workers and managers are to conduct themselves at the work place (including any area deemed to be part of work site i.e. worker's accommodation etc) during periods of work and out of work hours.

The code of conduct will establish the "rules" which will govern the conduct of all workers while they are at the site (including workers' accommodation) for the period of the contract. The code of conduct will raise awareness about Fijian cultural for foreign workers and establish the expected behaviour around women, children, and in communities, as well as the GRM and how complaints are to be handled. The code of conduct will outline the restrictions and/or prohibitions to be implemented including on fraternization between workers and community members, drug and alcohol consumption, as well as on hunting, fishing, trapping, poaching, or killing any wildlife.

The contractor will be required to take appropriate action for employees or subcontractors, including suspension or termination of employment or contract, if any form of unethical or inappropriate behaviour is identified. The contractor will provide training on both the LMP and code of conduct to raise awareness on and prevent any form of bullying, misconduct, discrimination, or GBV and SEAH and promote respectful work environment. The contractor will keep records of the training and include details in the monthly reports.

7.2. FRA Environmental, Health and Safety Policy

7.2.1 General introduction

The FRA Environmental, Health and Safety at Work Policy January 2019 (EHS Policy) is a requirement under the Health and Safety at Work Act 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 1996 Act and its regulations and standards.

The measures adopted by FRA to address potential EHS risks of the project are summarized below.

The FRA, as 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 FRA 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.

The employees and workers of FRA 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.

All contractors, customers and visitors shall; take all reasonable care of their health and safety while on FRA premises; and (ii) co-operate with the management and workers on their 'duty of care' under the Health and Safety at Work Act 1996.

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.

In respect of implementation of the EHS Policy, FRA management, including supervisors and workers at all levels shall be responsible and accountable for implementing the policy.

FRA's EHS policy is reviewed and updated as required every two years to ensure its effectiveness and continuous improvements that will enhance all facets of its business efficiency and productivity.

7.2.2 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.

7.2.3 Protocol for COVID-19 safe business operations

Effective from 11 October 2021, the GOF through the Ministry of Commerce, Trade, Tourism and Transportation and Ministry of Health and Medical Services (MHMS) set out the mandatory minimum parameters for safely operating business during the COVID-19 pandemic.

The 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:

- 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.
- Businesses must make available provision for hand washing facilities and/or sanitizer to employees and customers.
- Employer must ensure that all employees within the operational area are seated at least 2m apart and have minimal interaction.
- All employees, customers and clients must download the care-Fiji app and keep the device Bluetooth turned on. Only in exceptional circumstances where the use of care-Fiji 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.
- Businesses must register and acquire care-Fiji 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.
- 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.
- 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.
- The employee must inform employer immediately and contact MHMS should he/she is identified as a primary or secondary contact of a positive case.
- 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.

7.2.4 Labour and working conditions

Contractors must retain records of compliance with the LMP specifications.

The FRA PMU may request records at any time to ensure that labour conditions are being met. The PMU must review compliance records at least once a month and, if necessary, take appropriate corrective action. Quarterly progress reports to the financier and/or development partner will include a summary of issues and remedial actions, as well as providing monthly data on number of workers by sex and age, type of engagement (casual, full-time, part-time), type of work undertaken, and hourly rate or weekly salary.

The FRA and contractor(s) will carefully monitor the age of workers to ensure that, in compliance with ESS2, children are not employed for any project activities.

7.3. Minimum Age of Employment

7.3.1 Minimum age and protection of children/young workers

For purpose of the project, an employee is considered a child if they are younger than 15 years old. 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 MEPIR stipulates that:

- 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.
- A person employing a child must keep a separate register and must seek parental consent before the child is employed
- A child who is in employment, cannot be employed for more than 8 hours and must be given 30 minutes paid break for every four hours of work
- A child must not be employed in hazardous work
- A child must be paid the minimum rates of pay stipulated within the relevant Wages Regulations
- 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.

The ESS2 states that children under the minimum age (defined as 14 years old unless stipulated in country legislation) will not be employed or engaged in connection with a project.

7.4. Worker Grievance Redress Mechanism

The worker grievance redress process will cover two categories of workers: the direct workers of FRA, and, contracted workers.

For FRA employees and 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.

A summary of grievances and their status will be reported to the financier and/or development partner as part of the quarterly progress report.

For contracted workers, the site manager and contractor representative (could be environmental management officer or health and safety officer) will hold a daily team meeting with all present contracted workers at site at the end of the daily work to discuss any general workplace grievances. Workers may also seek individual or follow-up meetings if they do not feel comfortable airing or registering their grievance in front of the whole workforce.

The current FRA processes will be followed by all people engaged on the project.

Contractors must submit a worker grievance redress procedure that complies with the LMP's minimum standards. There will be recourse to the national system if a worker's issue is not resolved; the worker GRM will not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures. A designated officer from the PMU will review records on a monthly basis. All workers will be informed of the worker GRM upon induction. The PMU will track all contractor worker grievances and their resolution and report on them in the quarterly progress reports to the financier and/or development partner.

All FRA (including PMU) worker grievances will be managed by FRA's Human Resources Department in accordance with Part 13 of the Employment Relations Act 2007 (ERA). The FRA's Employee Grievances Procedures are currently being reviewed and updated so that they comply with ERA-Part 13. Under Part 13, all employment contracts issued by FRA must contain procedures for settling an employment grievance, including confidentiality and natural justice, SEAH 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 FRA's current grievance procedures (Section 23.1 of the FRA Employee Manual), 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 five 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 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.

Any staff grievances raised by members of the PMU will be handled by PMU Director with the support of the FRA Human Resources Unit in compliance with the conditions of the employment contract, ERA requirements, and in-house employment policies and procedures relating to settling disputes or grievances.

7.4.1 Training and capacity development

Contractors are expected to have competent designated officers, and/or have recruited an experienced service provider, on board at all times to conduct and facilitate training. The contractor is responsible for training for workers to be delivered by experts in the field/topic of training. The contractor will ensure that training is delivered with the depth and frequency to address the level of associated risk. The contractor's CESMP will include a training plan setting out the topic/theme, type, frequency and monitoring measures for all training (regular and refresher).

Training will include, but not be limited to: health and safety (including daily toolbox talks delivered by site supervisor or health and safety officer), basic CESMP requirements, code of conduct, communicable diseases (including sexually transmitted infections and HIV/AIDS) awareness and prevention, and GBV and SEAH awareness and prevention.

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. Training delivery by topic, type of training (toolbox talk, workshop, meeting, focus group etc), number of participants, frequency etc will be recorded by the contractor and included in the monthly report. Training activities and compliance with the training schedule included in the CESMP will be subject to monitoring.

FRA will procure training to address the risks connected with the worker influx.

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

7.4.2 Accident/incident reporting and monitoring

All FRA employees and contractors are required to report all accidents/incidents, including close calls/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 FRA's Health and Safety Program (provided as Appendix E). The report shall ensure that any recommendations/corrective actions are carried out as specified within the completed reports. The FRA's Health & Safety Manager, PMU specialist, engineer or officer must provide guidance and assist the contractor in the investigation reporting process and monitor the implementation of any corrective actions.

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

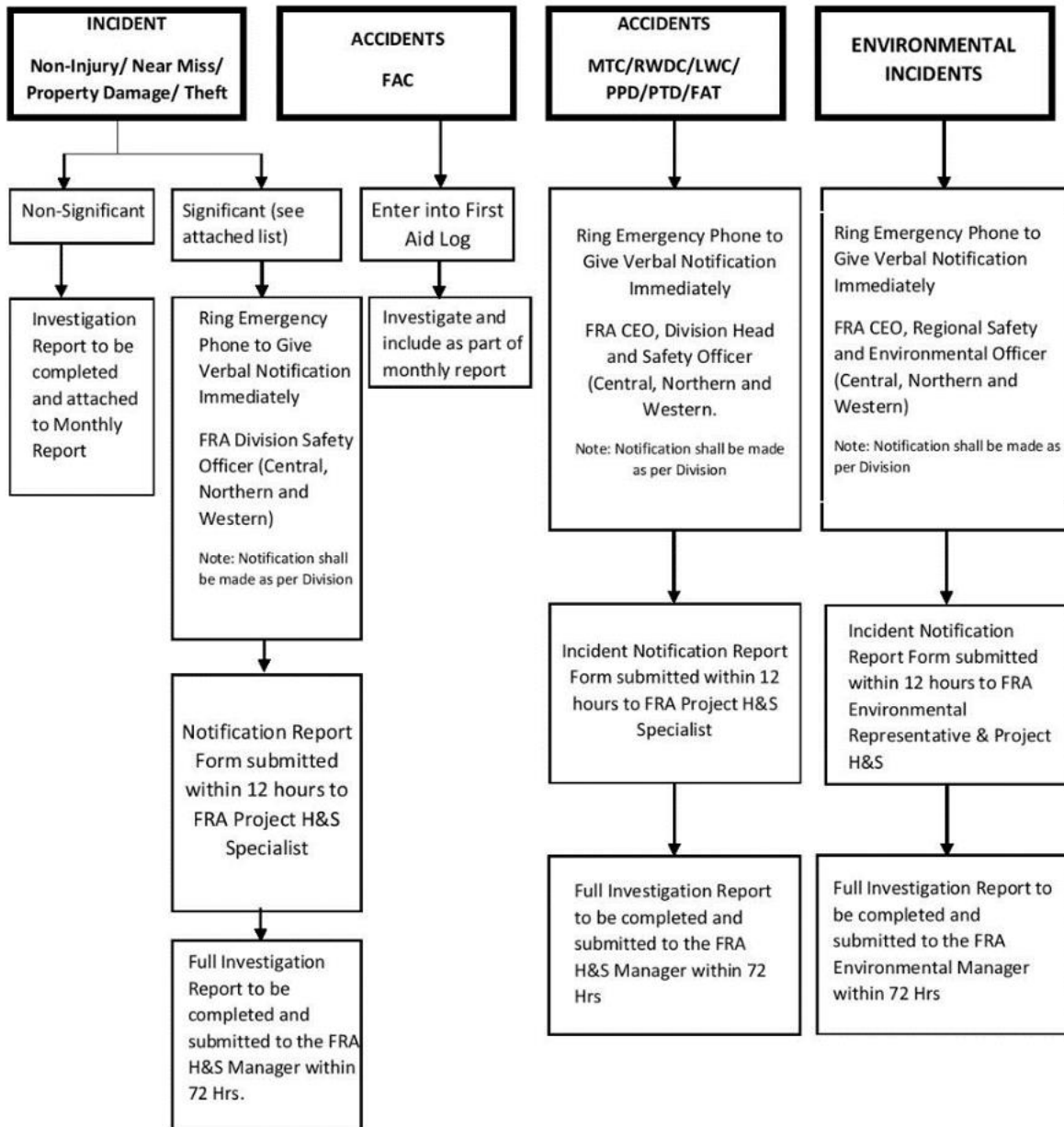
The "appointed person" to ensure that all employees and subcontractors are made aware of the accident/incident reporting procedure and to ensure that it is fully integrated within any emergency plans or procedures that may apply to their project/contract.

- 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 or local authority and any other relevant services.
- Defined responsibilities of individuals including sub-contractors.
- A reporting procedure (shown in diagrammatic form in Figure 6-1) will be displayed on noticeboards.

Fatal, major or serious injury reports and correspondence shall only be issued to third parties on authorisation of 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 FRA’s Health & Safety Manager, PMU specialist, engineer or officer will 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 (Appendix A) must be sent by fax or email to FRA Project H&S Manager within 12 hours of the accident/incident occurring.

Figure 6-1: Accident and incident reporting procedure



Failure to comply with the reporting requirements may result in disciplinary action from FRA.

Other forms that are required as part of FRA's Accident/Incident Reporting Procedure include 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.

7.5. Coverage of the Grievance Procedure

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 FRA already has a worker (and project) worker grievance redress procedure (WGRP) in place to handle issues and grievances from project stakeholders and the general public.

The WGRP 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 WGRP, 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 current FRA worker grievance processes will be followed by project staff.

The worker grievance redress procedure will cover two categories of workers: (i) direct workers (FRA employees; and (ii) contracted workers.

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.

Contractors must submit a worker grievance redress procedure that complies with the LMP's minimum standards. A designated officer from the PMU will review 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], under the ERA) must be adhered with all employment grievance procedures required to be stipulated in all employment contracts.

7.5.1 Existing worker grievance procedure

FRA's Employee Grievances Procedures are currently being reviewed and will be updated as required to fully comply with Part 13 of the ERP. 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.

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

The parties are to attempt to resolve the grievance through an agreed informal process of mediation and conciliation.

Where a successful outcome is in achievable, a formal procedure will be entered into.

To commence the formal process the staff member will lodge a written statement setting out:

- nature of the grievance
- the facts giving rise to the grievance; and
- the remedy sought

The CEO will arrange for mediation or conciliation or will refer the grievance to a Staff Grievance Committee comprising of:

- Two persons nominated by the CEO; and
- two persons nominated by the aggrieved person (who is a staff of FRA).

The Committee will meet within five working days of the grievance being received and:

- will work to a conclusive recommendation as soon as possible; and
- will forward its recommendations to the CEO for a final determination.

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 Director 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 FRA and any grievances from employees or workers on the project can be raised with the following contacts via phone or email and by filling in the worker grievance form.

Contact person	Details
Charlie Ward TIISP/TISP 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 (SEAH), then the complainant is referred to a specialist service provider (currently Fiji Women and Children Crisis Centre) considering confidentiality, privacy and the survivor-centred approach.

For more information, refer to the WBG Environment and Social Incident Response Toolkit guidelines, and guidance notes set out at footnote 2.

7.6. Contractor Management

The civil works construction contracts will include provisions related to labour and occupational health and safety as provided in the ADB and WBG standard procurement documents, relevant Fiji legislation and the project’s ESMP included in ESIA’s prepared for each contract package. The contractor(s) will be required to develop their CESMP which will contain the WLMP and a worker grievance redress procedure.

The FRA will take 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 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 subsequently hire 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
- Performance on previous contracts with contractors and suppliers
- Workers' code of conduct and managers' code of conduct, and
- Workers grievance procedures.

7.7. Primary Supply Workers

No main supply contracts will be procured by the FRA.

The lead contractor for each contract package will be responsible for including the same labor, working conditions, and ESM (including health and safety) terms and specifications in any subcontracting agreements for the supply of goods, services, or equipment for use in the project activities.

The civil works and other bid documents and 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 relevant Fiji legislation.

A

Appendix A – FRA Grievance Form



Accident / Incident Notification

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.	