



Enhancing Systematic Land Registration Project (P169669)

LABOR MANAGEMENT PROCEDURES (LMP)

Prepared by:

Department of Land

Ministry of Environment and Natural Resources

Chao Anou Road

Vientiane, Lao PDR

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GLOSSARY

COC	Code of Conduct
DOL	Department of Land
DONRE	District Office of Natural Resources and Environment
EA/IA	Executing and/or Implementing Agency.
ESHS	Environmental, Social, Health and Safety
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESLRP	Enhancing Systematic Land Registration Project
ESO	Environmental and Social Officer
ESRS	Environment and Social Review Summary
ESS	Environmental and Social Standard
GBV	Gender-Based Violence Plan
GOL	Government of Lao PDR
GRM	Grievance Redress Mechanism
HIV	Human Immunodeficiency Viruses
IA	Implementing Agency
ISWSC	Implementation Support and Works Supervision Consultant
Lao PDR	Lao People's Democratic Republic
LMP	Labor Management Procedures
MONRE	Ministry of Environment and Natural Resources
MLSW	Ministry of Labor and Social Welfare
NA	National Assembly
NPMO	National Project Management Office
OHS	Occupational Health and Safety
PD	Project Director
PM	Project Manager
PMU	Project Management Unit

PONRE	Provincial Office of Natural Resources and Environment
PPE	Personal Protective Equipment
PPMO	Provincial Project Management Office
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
SEP	Stakeholder Engagement Plan
SLR	Systematic Land Registration
STD	Sexually Transmitted Disease
UXO	Unexploded Ordnance
UXO-NRA	National Regulatory Authority for the UXO/Mine Action Sector in the Lao PDR
VAC	Violence Against Children
WB	World Bank

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1.0 INTRODUCTION

The Government of Lao (GOL) through the Department of Land (DOL), Ministry of Natural Resources and Environment (MONRE) intends to apply for a loan from the World Bank to finance the proposed Enhancing Systematic Land Registration Project. This project addresses the environmental and social aspects through the World Bank's Environmental and Social Framework (ESF) and with Environmental and Social Standard (ESS) approach.

One of the Standards, ESS2, relates to working and labor conditions and expects the Borrowers (DOL) to develop labor management (LMP) procedures. The purpose of the LMP is to identify the main labor requirements and risks associated with the project, and to assist the DOL in identifying the resources needed to address labor issues in the project. The LMP would allow different project-related parties, such as project management unit personnel, contractors and sub-contractors, and project employees, to have a clear understanding of what is needed on a particular work problem. The LMP is a living text, started early in the planning of the project, and is revised and updated during the project development and implementation.

Scope of the LMP is outlined in the World Bank's ESS2. The engagement will be planned as an integral part of the project's environmental and social assessment and project design and implementation. This document has 13 sections. Section 1 served as Introduction. An overview of labor use in the project is presented in Section 2. Key potential labor risks are listed in Section 3. Legislative Framework governing labor employment in Lao PDR is discussed in Section 4 and 5. Responsible Staff, Policies and Procedures and Age of Employment of labor requirements follows in the subsequent Section. Grievance Redress Mechanism and Contractor Management are presented in the last two Section 10 and 11 respectively, while Section 13 relates to primary supply workers.

2.0 OVERVIEW OF LABOR USE ON THE PROJECT

The project is not expected to finance major construction of infrastructure and civil works that would potentially bring an influx of both local and external labors. All land registration work will be performed by government staff or contract staff under government staff supervision, as there are currently no private surveyors in Laos (DOL will allocate some budget to hire the private sector to conducted land survey as a trial study in the short term). The work would be coordinated by establishing a district-level team of many mobile units operating in the villages and reporting back to the districts and provinces. One of these district offices may cover more than one district, depending on the workloads; this will be decided as the work progresses nationally. At this point, how many district-systematic mobile unit will be set up is not firmly determined, but it is expected to be between two and five per province. Contract staff will be hired and trained (and possibly other) for the mobile units. However, the project will deploy over 780 staffs as land administration professionals to join in mobile units including 390 land administration contract workers throughout the country in the short term (three months or more) to carry out land registration. The exact numbers and size of mobile units (land registration or survey teams) will vary depending on the number the land parcels and villages to be covered. These workers will remain in the village areas throughout project implementation. The project may also involve local villagers (community workers) to support the teams as volunteers in the land registration process. These teams will be staying in district towns and rural villages during

their fieldwork. DOL is required to develop and implement LMP applicable to the project, which was included in the Environmental and Social Management Framework (ESMF) considering the specifics of each project location). The LMP will be completed prior to any on the ground activity, will apply to all different categories of workers and it will set out how project workers will be managed and treated in line with the national labor law and this ESS. The labor-management procedures will also ensure that land registration teams and community workers will be provided with adequate resources and tool kits required, safe accommodations, transport, first aid-kits available at working sites, and can be contacted/reached in case of emergency. DOL will also ensure that Social Security (health and life insurance) is provided to all team members according to the Labor Law before the commencement of their assignment.

LMP will apply to staff other than civil servants who are employed directly by the project at project offices and at each project province; employees of contractors and service providers; and project beneficiaries engaged in community works. Employees of direct suppliers to the project are considered as primary supply workers and are covered by provisions of the LMP relating to prevention of child labor, forced labor and serious safety issues.

DOL will develop a dedicated labor grievance mechanism, as part of LMP, for direct and contracted workers to be adapted to collect grievances coming from community workers.

2.1 Type of Workers

ESS2 classifies workers into the following: direct workers, contract workers, community workers and primary supply workers. Contract staff are considered to be direct workers as these are expected to be hired from the pool of outsourced staff and young graduates available to join mobile units (teams) to conduct land registration activities on the ground. As stated in the Concept Stage of Environment and Social Review Summary (ESRS) prepared for the Project, the Project's workforce would include direct employees (directly hired by Project Management Unit (PMU) in both office at National Project Management Office (NPMO) and Provincial Project Management Office (PPMO)), contingent staff (recruited by third parties such as contractors or as consultants), and primary supply employees. The project is likely to include community workers for bush clearing for land survey and titling demarcation, and equipment/gears transportation to the site, since contractors would be responsible for civil works. The parts below provide a detailed summary of the form and number of staff to be employed over the entire life of the project (see **Error! Reference source not found.**).

Therefore, it is estimated that only three groups of employees will be included:

Direct Workers. The project will be implemented under the ESLRP by the PMU, which will be developed daily for project management and act as a link between ESLRP and WB. Direct staff will be made up of a combination of government officials and those working under the project as "professional consultants"-full and part-time by the PMU. The former shall be regulated by a set of Civil Services Regulations, the latter by contracts mutually agreed. Ministry and PMU staff include both project-based workers, as well as those in the regions to be covered by the Project.

Contracted Workers (people employed or engaged by third parties to carry out work related to the project's core functions) will include employees of construction contractors and service

providers and suppliers of goods under certain circumstances (e.g., where the supply contract includes installation at a project site).

Primary Supply Workers are people employed or engaged by suppliers who supply directly to the project goods or materials that are essential for the core functions of the project on a continuous basis. Importantly, building contractors staff from manufacturers may be viewed as falling into this group. This category includes workers in sectors where the ESMF has identified concerns regarding Occupation Health and Safety (OHS) standards, the use of child labor and forced labor, including commercial farming establishments supplying the project with planting materials, and workers producing construction materials including bricks and tiles.

2.2 Number of Project Workers

DOL employs 1,369 land administration professionals at all administrative levels and has access to a pool of 688 land administration contractors that can be employed as contract staff for the project, thus ensuring the availability of sufficient human resources for project implementation. All land registration works will be done by government (DOL, DONREs and PONREs) staff or contract staff under supervision of the government staff. The work will be organized through the establishment of mobile units that work in the villages and report back to the DONREs and PONREs. After consultation with the different sectors at regional, provincial and district levels and reviewing of activities to be implemented by ESLRP, it is anticipated that the project will recruit approximately additional 170 employees (depend on the unit per district in all project provinces) to assist DONRE to adequately implement project activities until 2025.

Thus, the total number of staff expected to join in the mobile units is 780 including 390 contract staff to conduct land registration on the ground. The number and size of mobile units to be determined during the project implementation will vary from province to province depending on the number of villages land parcels or plots to be selected and covered. A total number of experts and government staff (central) assigned and recruited to work for the project is 12 (See Figure 1, Figure 2 and Figure 3).

Contracted Workers. The exact number of contract workers to work with the project are 390 contract workers that include contract workers for PPMO and mobile unit (surveying assistant and tenure right's interview assistant position) and four technical contract staff working with PPMO in each ESLRP province.

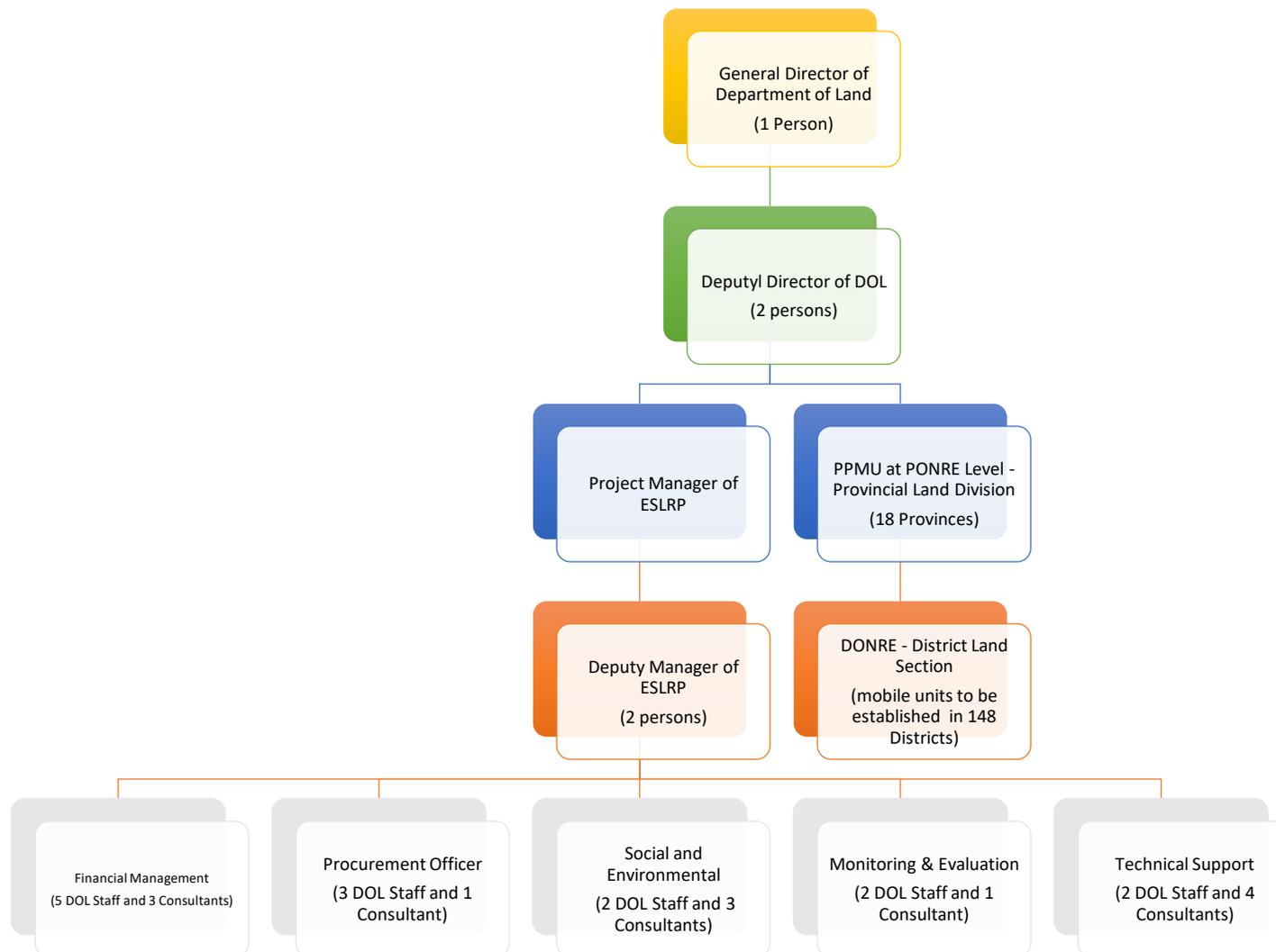
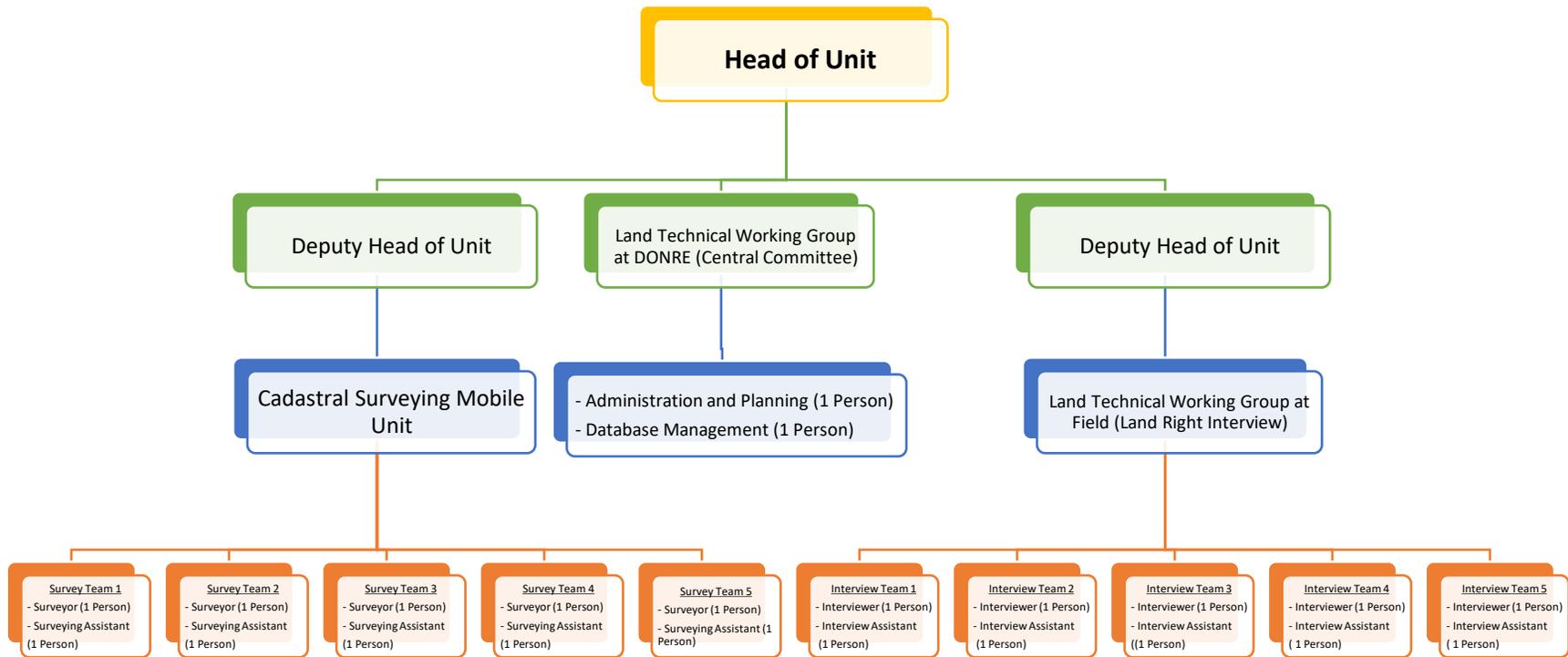


FIGURE 1: THE ARRANGEMENT OF ESLR PROJECT MANAGEMENT OF PMU AT NPMO



FIGURE 2: THE ARRANGEMENT OF ESLR PROJECT MANAGEMENT OF PMU AT PPMO WITHIN PONRE OF EACH PROVINCE



Source: Ministerial Agreement no. 3429/MONRE on the Approval and Promulgation of the Organization and Activities of the Systematic Land Registration Team, dated July 17, 2020

FIGURE 3: THE STRUCTURE OF DISTRICT-SYSTEMATIC MOBILE UNIT

2.3 Characteristics of Project Workers

The PMU is expected to comprise at least 12 specialists to initiate project implementation (Project Manager, Operation Manager, PMU Coordinator, Land Administration/Legal Cadastral Specialist, Information Technology Specialist, Financial Specialist, Environmental and Social Officers (ESO), Procurement Specialist and Communication Officer). If the project is effective, the PMU will also be joined by a monitoring and evaluation specialist and a part-time environmental and social expert. In addition, professional experts are expected to be employed to help improving the organizational work on the ESLRP within local land services and holding training sessions, as well as conducting frequent mentoring visits to help recipients.

In addition, professional business/capacity-building firms could be contracted to conduct surveys, trainings, and other project assessments. Skilled workers/experts will be the nature of labor force.

2.4 Timing of Labor Requirements

The direct workers (PMU staff) will be required full time and around the year for the project duration (some staff will join PMU during implementation). During the project era, other experts/consultants will be employed on demand basis. The duration of contract workers' participation would be determined at later stages, although it is apparent that they will be engaged on different time slots, depending on the implementation of various sub-components.

2.5 Contracted Workers

Since the ESLRP plans to hire people directly to work specifically with respect to the project, it is likely that it would employ people to conduct tasks relevant to the core purpose of the ESLRP through a third party.

2.6 Migrant Workers

The involvement of domestic migrant workers may be expected if there is no direct worker available in the municipality or area where the landholding is situated within the sites of the ESLRP. To provide the services needed for the municipality or region, the migrant worker can be an ESOs, land surveyor, geodetic engineer, or consultant. The timing of labor requirements for migrant workers will depend on the type of services they will provide, in accordance with the timing for the direct workers listed above.

3.0 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

3.1 Project Activities

Activities carried out by project workers in ESLRP will include:

- Project administration and technical tasks conducted at office of DOL/MONRE and PONRE project offices in each province of the project (direct project employees and contract workers in professional categories).

- Participatory planning and community participation activities in the proposed and actual Systematic Land Registration (SLR) process at PONRE in each (often remote) provincial target area (direct project workers and community workers) project area.
- Land titling activities including survey, mapping and land demarcation proposed for SLR (direct project workers and community workers, some contract workers); and
- Construction of new office building and renovation of existing PONRE and DONRE office for land registration service (mainly contracted workers including supervisory, technical, semi-skilled and non-skilled construction contractors staff, and supervising engineers who would be qualified service providers personnel).

Project locations are to be selected on a demand-led basis during implementation. Many areas are projected to be within 18 project provinces (including Vientiane Prefecture) of Lao PDR. The Environmental and Social Profile (ESP) defines environmental and social factors in these provinces and at example locations.

3.2 Key Labor Risks

Based on the actual experience of the DOL/MONRE's field implementers, the primary labor risks foreseen during the implementation of the ESLRP are as follows:

3.2.1 Occupational Health and Safety (OHS) Risk

No major risks are foreseen to direct project workers in project offices in DOL/MONRE or PONRE. Procedures for labor management needed to comply with the LMP should be drafted and included in or seized to Workers and Workforce Management (see APPENDIX 2: WORKERS AND WORKFORCE MANAGEMENT).

Traveling to and working at project sites, which can be in remote areas, may expose OHS risks to direct project workers. These risks include (a) risk of road traffic accidents, particularly for motorcycle workers; (b) safety risks including robbery; (c) risk of waterborne or vector-transmitted diseases like malaria and dengue; and (d) risk of snakebite and stings of insects. There is also a possibility that Unexploded Ordnance (UXO) may be present at some project sites. Due to Lao PDR suffers from the remaining UXO from the war period in Indochina. Approximately two million tons of ordnance were dropped on Lao PDR during the conflict. The seven provinces (Luang Prabang, Xaysomboun, Bolikhamxay, Khammouan, Salavan, Xekong, and Attapeu) of the proposed project area through over the country at significantly high risk for UXO. All land registration project activities to be carried out in these areas must be subject to a risk assessment before the commencement of groundwork and must comply with the mitigation measures outlined in Appendix 17 of ESMF - the UXO Handling Procedure.

Risks to contract workers in technical categories (e.g., staff of service providers) are like those that apply to direct project staff. Service providers should be required to take equivalent measures to guarantee the safety of their employees.

Common labor management practices for manual workers and laborers, particularly in the construction industry, may result in workers being exposed to risks including (a) unclear or unspecific terms and conditions of employment; (b) potential discrimination against women or members of other groups; (c) denial of workers' rights to organize; and (d) no access to grievance

redress mechanism. The OSH specification should explicitly specify the minimum requirements for each of these and enforcement will be controlled as part of the supervision of the building.

Contracted manual workers and laborers are likely to be exposed to significant occupational health and safety risks which are not adequately mitigated by standard practices in the Ministerial Agreement on Occupational Health and Safety in the Construction Site. Risks may include:

- Risks of workplace accidents, especially when operating construction infrastructure, when working at high altitude on construction, and when handling heavy equipment and materials.
- Risks from exposure to dangerous substances (dust, cement, building chemicals etc.).
- Risks associated with living conditions in site camps, which may include insufficient water and sanitation supply, as well as the risk of building camps being locations for the transmission of sexually transmitted diseases (STDs) or exposing workers to vector-borne diseases such as malaria and dengue, and the risk of snakebites and insect stings; and
- Risks of encountering UXO during construction works are potential.

Potential risks to community workers (who will be hired to assist the land surveyor or contractor for the renovation and construction of the PONRE and DONRE office) in terms of health and safety may depend on the types of activities performed. Those are presumably non-hazardous, in the main. Possible risks might include:

- Risks emerging if building works, particularly construction of buildings and structures or deep excavations, are carried out through community works.
- Location-related risks that could include risks from the encounter of venomous snakes and insects, and potentially UXO.
- The same travel-related risks that apply to direct project workers for volunteers and facilitators who are not hired and paid by the EA/IA project or implementing partners, and who may be known that community staff in that sense.

3.2.2 Fair Treatment and Nondiscrimination

Risks of unfair or discriminatory hiring practices may arise when recruiting direct project staff and hiring employees from contractors and primary suppliers (although this was not explicitly defined in the implementation of the ESLRP). Disputes can arise in the delay in wage collection, in conflict with working conditions, and in occupational health and safety issues. Worker relocation to another region where personnel demand is needed may pose the risk of labor disputes. Community worker participation may also be unfair or discriminatory, particularly when community service is compensated with cash or in-kind compensation or other benefits.

3.2.3 Workers Grievances

The Labor Law does not seem to allow employers to implement a structured employee grievance process, so it is unlikely that the project's private sector contractors will have a standardized, pre-existing program or know how to set up such a program. Therefore, project employees who experience a workplace problem or who wish to pursue a grievance can find that they have no way to do so or face retaliatory penalties for doing so.

Nonetheless, administrative resolutions are dispute resolutions according to the law and disputes in relation to benefits by the Labor Administration Agency (Labor Law, 2013). Labor Administration Agency will be established the Committee for Labor Dispute Resolution to solve a labor issue.

3.2.4 Potential for Accidents and Emergencies

As mentioned above, in addition to road traffic accidents and work-related accidents, project province areas are prone to frequent flooding. This can include flash flooding in small areas, and sudden flooding associated with water release from upstream of rivers. Forest fires occur in the project provinces but do not seem to pose a major security threat: climate change may make this danger more serious. Windstorms and lightning strikes in target areas are also potential hazards.

3.2.5 Gender Based Violence and Violence Against Children

Gender Based Violence (GBV) and Violence Against Children (VAC) is a recognized concern in Lao PDR rural areas and is mostly intra-household or intra-community. GBV risks related to management of project workers might include:

- Potential risks for women project workers traveling in remote areas (this risk management should not discourage women's employment in relevant capacities).
- Potential risks of GBV committed by contractors' workers, including those temporarily residing for PONRE and DONRE's office for land registration service construction/renovation works in site camps.

4.0 OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The workers in Lao PDR are managed and protected under a relative comprehensive labor framework. The main labor law in Lao PDR is listed below:

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

The Constitution of Lao PDR (2015). Article 27 define that “The State and society attend to developing skilled labor, upgrading labor discipline, promoting vocational skills and occupations and protecting the legitimate rights and benefits of workers”.

Law on Labor (Amended 2013). The main law regulating employment relationships in Lao PDR is the Labor Law 2013. As indicated above, an amended Labor Law no. 43/NA was adopted on

December 24, 2013 by the National Assembly of Lao PDR. This law defines the principles, regulations and measures on administration, monitoring, labor skills development, recruitment, and labor protection in order to enhance the quality and productivity of work in society, so as to ensure the transformation to modernization and industrialization aimed at safeguarding the rights of employees and employers, as well as the legitimate interests and the continual improvement of their livelihoods, while contributing to the promotion of investment, national socio-economic development, and regional and international links. The law grants certain protections to groups of employees (including women, child, etc.) as presented in the followings:

- **Gender Equity.** Article 96 states that “Female employees have the right to employment and professions in every sector that do not conflict with the law, including production, business and management, and may participate in training, labor skills improvement and providing expertise. Female employees shall receive a salary or wages equal to that of male employees, excepting some forms of work that has negative effects upon the reproductive health of women, which must be protected in every case”.
- **Prevent Child Labor.** Article 101 states that “Employers may accept employees under the age of 18 years but not younger than 14 years; however, they are prohibited from working overtime. When necessary, the employer may accept and use youth employees under the age of fourteen, but not younger than twelve years, and must ensure the work is light work”; Article 102 lists the tasks prohibited for minor employees, it defined that “Cases wherein the use of youth employees is prohibited are including (i) work in activities, duties and locations that are unsafe, dangerous to the health of the body, psychology or mind; (ii) forced labor; (iii) work to repay debts; (iv) human trafficking; (v) trade or deception into the sex industry or solicitation of prostitution, photography or pornography; and (vi) trade or deception into the movement and production, transportation, possession of narcotics or addictive substances”.
- **Disabled Laborers.** Article 33 state that “promotion of occupational freedom, working from the home, and the hiring of disadvantaged persons, women, disabled persons, or the elderly”.

The Law on Labor in general is a comprehensive document that meets many of the ESS2 requirements. Table 1 presents a matrix of distance analysis showing correlation between main ESS2 criteria and the labor law.

TABLE 1: GAP ANALYSIS OT THE LAW ON LABOR (AMENDED 2003) VS ESS-2 REUIREMENT

ESS2 REQUIREMENT	LAW ON LABOR	KEY GAPS	COMMENT	MEASURES
Terms and conditions of employment	<p>An employment contract is an agreement between an employee and an employer or between an employee representative and an employer representative regarding conditions of work, salary or wages, welfare, and other policies (Article 75)</p> <p>Employment contracts may take two forms that includes verbal or written (Article 77)</p>	No major gaps are noted. However, verbal form of contract is not a good practice and not formally recognized under ESS2 as it can be changed and violated by either parties (employer and employees) without any written evidence and official references.	-	<p>Project direct workers will have clear terms and conditions of employment.</p> <p>Contractors to be required to comply with Labor Law provisions.</p>
Non-discrimination and equal opportunity	<p>Operations based on an employment contract between the employee and the employer, ensuring both parties benefit without discrimination (Article 5)</p> <p>Obstructing employment or using direct or indirect force to make an employee stop work due to marital status, gender discrimination, or infection of HIV (141)</p>	No major gaps identified	No clear enforcement mechanism	<p>Non-discrimination and equal opportunity to be applied to employment of project direct workers.</p> <p>Fair and non-discriminatory employment practices to be required for contracted workers. Where contractors hire workers from the beneficiary community, disadvantaged and vulnerable community members are to have equal access to opportunities.</p>
Rights to organize	Section XIV Tripartite Organizations, that includes the labor administration	No major gap	Lao's trade unions are prominent in government	WGRM will be available to workers who are denied.

ESS2 REQUIREMENT	LAW ON LABOR	KEY GAPS	COMMENT	MEASURES
	agency, agencies representing employers, agencies representing employees and bargaining and collective labor contracts		organization but not common in other sectors	their right to organize
Prevention / restriction of child labor	<p>Employers may accept employees under the age of 18 years but not younger than 14 years; however, they are prohibited from working overtime. When necessary, the employer may accept and use youth employees under the age of 14, but not younger than 12 years, and must ensure the work is light work¹ (Article 101)</p> <p>Cases wherein the use of youth employees is prohibited are including (i) work in activities, duties and locations that are unsafe, dangerous to the health of the body, psychology or mind; (ii) forced labor; (iii)</p>	<p>ESS2 does not permit light work for children under minimum employment age (18 years old), but in 14 years old for light work.</p> <p>ILO² (2014) notes that prohibitions on child labor apply only in formal employment, whereas most child workers work in non-formal agriculture</p>	<p>Employment of children working in farming alongside with parents. It is accepted that labor is happening. There are frequent reports that, in brick kilns, this is often a standard practice synonymous with debt bondage and hazardous working conditions.</p>	<p>No children aged under 18 to be employed under any circumstances (including community work).</p> <p>Age of employees to be verified and monitored as part of contract supervision. Suppliers to certify non-use of child labor, with verification measures in high-risk sectors (CLFLP)</p>

¹ Light work refers to work that is not harmful to the child and does not interfere with a child's education, or her ability to benefit from education (that work will be only a few hours from time to time).

² Lao PDR has ratified a total of 10 ILO Conventions, including five of the eight ILO Fundamental Conventions (C029 - Forced Labor Convention, C100 - Equal Remuneration Convention, C111 - Discrimination (Employment and Occupation) Convention, C138 - Minimum Age Convention, and C182 - Worst Forms of Child Labor Convention), one of four Governance Conventions (C144 - Tripartite Consultation (International Labor Standards) Convention) and four of 178 Technical Conventions (C004 - Night Work (Women) Convention, C006 - Night Work of Young Persons (Industry) Convention, C013 - White Lead (Painting) Convention, and C171 - Night Work Convention)

ESS2 REQUIREMENT	LAW ON LABOR	KEY GAPS	COMMENT	MEASURES
	work to repay debts; (iv) human trafficking; (v) trade or deception into the sex industry or solicitation of prostitution, photography or pornography; and (vi) trade or deception into the movement and production, transportation, possession of narcotics or addictive substances” (Article 102)			
Prevention of forced labor	Unauthorized use of forced labor (Article 59)	No gaps	Debt bondage is known to occur	<p>Forced labor, including debt bondage, is prohibited in any form.</p> <p>Suppliers to certify non-use of forced labor, with verification measures in high-risk sectors (CLFLP)</p> <p>Project to monitor and report within 48 hours including notification of any incident.</p>
Grievance mechanism	<p>Section XIII Resolution of labor disputes was not specifically mentioned for the mechanism. According to Article 148 - resolution of labor disputes will be undertaken according to the following methods:</p> <ul style="list-style-type: none"> - Compromise. 	The national legislation does not guarantee workers’ access to a grievance mechanism		Project to assign staffs from DOL or PONRE to track and monitor the process of worker grievance mechanism. Project will evaluate and report on implementation of the mechanism.

ESS2 REQUIREMENT	LAW ON LABOR	KEY GAPS	COMMENT	MEASURES
	<ul style="list-style-type: none"> - Administrative resolutions. - Resolution by the committee for labor dispute resolution; - Court rulings; and - Dispute resolution consistent with international protocols defined two 			
Identification of potential hazards	<p>Labor occupational health and safety is a joint activity between the employer and the employee in the assurance of occupational safety and health in the workplace, including risk assessment of the work environment, appropriate measures for reducing hazards and risks (Article 117)</p> <p>The employer must inspect and assess risks to safety and health within the labor unit and workplace regularly (Article 122)</p>	Largely consistent	Enforcement of safety standards is weak, in the informal and construction sectors	Require a procedure to establish occupation, health, and safety risk assessment
Provision of preventive and protective measures	Article 119 - Obligations of the employer for the protection of labor safety and health	No major gaps		<p>Strategy built for direct project staff in Occupational, Health and Safety (OHS)</p> <p>Workplace safety measures for contract workers under the requirements on</p>

ESS2 REQUIREMENT	LAW ON LABOR	KEY GAPS	COMMENT	MEASURES
				Environment, Social, Health and Safety (ESHS)
Training of workers and maintenance of training records	Not clearly listed safety training, are mentioned	Requirement for safety training is not clearly spelled out in the national law		ESHS requires adequate safety training for all staffs/workers
Documentation and reporting of occupational accidents, disease and incidents	Whenever an accident occurs within a labor unit that causes the employees to take time off work for four or more days, the employer must record the cause of the accident in detail and report it to the Labor Administration Agency (Article 125)	ESS2 requires reporting procedures		All workplace health and safety incidents to be recorded in a register, required by ESHS
Emergency Preparedness	Not specifically mentioned	Emergency Preparedness response measure is not specifically mentioned in the national law		All worksites to have health and safety plan including emergency plans (ESHS)
Remedies for adverse impacts	Employers need to maintain the workplace, safety systems, environment and atmosphere when working to ensure good conditions for the health of the employees; and provide appropriate facilitation of welfare for employees in the workplace (Article 119)	Largely consistent except the requirement for safety training and Emergency Preparedness response measure		All workers to be insured for occupational hazards

Law on Social Security (Amended 2018). This law defines the principles, rules and provisions for the organization, implementation, management, monitoring, and inspection of social security affairs with a view to make it systematic, strengthened, and effective for better protecting rights and interests of employers and employees who contribute to the Social Security Fund, and receive social security benefits, as well as to assure livelihood improvement, social solidarity, and national socio-economic development.

Law on Health Insurance (2018). This law defines principles, regulations and measures concerning the management and utilization of the national health insurance scheme in an appropriate manner and in consistent with the rules of law to ensure the access to health care services of insured individuals, including all ethnic groups thoroughly and equitably. The law is aiming to promote healthy for all and improve labor force to contribute to the protection and development of the nation.

5.0 OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

The three key Lao labor legislations regarding OHS are the Law on Labor, Law on Hygiene, Disease Prevention and Health Promotion and Ministerial Agreement on Occupational Health and Safety in the Construction Site.

Labor Law which governs all different sectors and industries in Lao PDR enacts general regulations on the occupational health and safety at the workplaces and the regime on Labor accidents, occupational disease of employees. Under this law, the employers are required to implement measures to ensure OHS at the workplace, and the employees must comply with them. The main measures are as follow:

- Instill appropriate measures to ensure workplace health and safety for the employee working under its administration.
- Ensure the workplace, machinery, equipment, and procedures in the production of metals or chemicals and explosive materials in the labor unit are safe or do not pose a danger to the health of employees.
- Regularly inspect all safety measures and improve any that are inappropriate.
- Assess risks to employee health and safety at least once per year and then report to the Labor Administration Agency.
- Maintain the workplace, safety systems, environment and atmosphere when working to ensure good conditions for the health of the employees.
- Provide appropriate facilitation of welfare for employees in the workplace.
- Supply information, recommendations, training, and protection for employees so that they may undertake their work safely.
- Supply individual safety equipment to employees in full and in good condition according to international standards.
- Prohibit the use of addictive substances or drink, or any mind-altering substances in or around the workplace.
- Hold training on basic health and safety knowledge, protection from occupational diseases, namely HIV, for the employees at least once per year; and
- Appoint employees responsible for labor health and safety.

However, the labor law also provides responsibilities to employers if an employee is a victim of a workplace accident or an occupational disorder, as well as the rights and insurance packages to which the workers involved are entitled in these situations.

Law on Labor, Law on Hygiene, Disease Prevention and Health Promotion. This law seeks to assure occupational health and labor hygiene. It also provides state management and rights and obligations of organizations and individuals in occupational safety and hygiene. Labor hygiene refers to maintaining and ensuring working conditions that protect the health of workers in the various sectors from diseases, toxic chemicals, and radioactive materials hazardous to the health or life of workers and people in the vicinity.

Employers shall provide safety equipment to workers, and shall ensure the hygiene of working premises, specifically employers shall provide premises with sufficient light and air circulation, the appropriate temperature, and levels of humidity, vibration, sound, smell, and dust that are within the defined standards provided under regulations.

Ministerial Agreement on Occupational Health and Safety in the Construction Site. Determining the criteria for the promotion and development of construction sites that meet the safety and health requirements of employees, create measures to the prevention of accidents and occupational diseases to protect the lives, properties of employees and employers were working at construction sites.

Hence, when a Lao employee employed in Lao PDR who has contributed to social insurance is injured or is ill or even dies during his or her jobs, all associated expenses, such as reimbursement for being unable to work, retraining and even lump payments for permanent impairments or death, are covered by the Social Insurance Fund of Lao PDR.

6.0 RESPONSIBLE STAFF

The concerned PMU of ESLRP will be responsible for the engagement and management of project workers within their respective regions and provinces, as well as their training, OHS, and addressing the workers' grievance. The PMU and Contractors are responsible for the following:

6.1 Project Management Unit

The PMU is DOL/MONRE and will be responsible for overall project management and coordination of the Project, including the compliance with safeguards requirements including on labor and working condition. The PMU will be including the relevant position of PD, PM and Environmental and Social Officers (ESOs) or focal staff of the ESLRP. The PMU will hire consultant(s) with expertise in environmental, social, occupational health and safety issues. The PMU will be responsible for the following tasks relevant to labor and working conditions:

- Undertake the overall implementation of this LMP.
- Ensure that Code of Conduct for public servants is provided in the letter of appointment for project staff in PMU, PONRE and DONRE in line with the Decree on Ethics and Morals of Civil Servants, 2019.
- Engage and manage contractors/subcontractors in accordance with these LMP and the applicable Procurement Documents.

- Monitor that contractors/subcontractors are meeting obligations towards contracted workers as included in the Law on Labor of Lao PDR, LMP and ESMF.
- Monitor for potential risks of serious safety issues in the conduct of activities.
- Monitor training of relevant project workers.
- Develop and implement the grievance mechanism for direct workers, including ensuring that grievances received from the workers are addressed promptly, and reporting the status of grievances and resolutions.
- Monitoring the implementation of the Code of Conduct, Environmental and Social Management Plan (ESMP), Environmental Code of Practice (ECOP)³ and any other measures to address risks of sexual exploitation and abuse (SEA)/sexual harassment (SH); and
- Report to the World Bank on labor and occupational health and safety performance.

6.2 Construction and Supervision Consultant

The PMU will be responsible for monitoring the contractors of the civil works as well as monitoring adherence to the ESF instruments. PMU will oversee the performance on labor and working conditions daily on behalf of the DOL and must report to DOL after the construction completion.

6.3 Contractor

The Contractor will be responsible for the following:

- Supervise their subcontractors' adherence to the Project's LMP and ESMF.
- Maintain records of recruitment and employment of contracted workers (including subcontractors) with age verification to avoid child labor.
- Provide induction and regular training to contracted workers on environmental, social, and occupational health and safety issues.
- Require the primary supplier to identify and address risks of child labor, forced labor and serious safety issues, and risks of equity and discrimination for primary supply workers.
- Develop and implement the grievance mechanism for contracted workers, including ensuring that grievances received from their contracted workers resolved promptly, and reporting the status of grievances and resolutions.
- Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works, take all other measures to address risks of sexual exploitation and abuse (SEA)/sexual harassment (SH) as specified in the contractor's LMP/ESMF and supervise compliance with such measures; and
- Report to PMU on labor and occupational health and safety performance.

³ ESMP for the construction of new building. ECOP for the renovation of the office and the procurement of office furniture and facilities for project staff and contractors at the current Department of Land (DOL) at the central level and land administration office at the local level (district and provincial office). See details in the ESMF.

TABLE 2: SUMMARY OF THE PROJECT RESPONSIBLE FOR VARIOUS KEY ISSUES

Key issues	Direct workers	Contracted workers	Primary supply workers
Hiring and managing individual project workers	<ul style="list-style-type: none"> - PMU to engage/manage consultants. - PMU to engage/manage Construction and Supervision consultant 	<ul style="list-style-type: none"> - Contractor/Subcontractor (site manager and/or OHS officer) 	<ul style="list-style-type: none"> - n/a (outside the scope of ESS2)
OHS	<ul style="list-style-type: none"> - n/a (direct workers will follow OHS measures when visiting construction sites) 		<ul style="list-style-type: none"> - Contractor to require the primary supplier to identify/address child labor/forced labor and serious safety risks.
Child labor and forced labor	<ul style="list-style-type: none"> - n/a (the contract for direct workers does not allow child labor and forced labor) 		<ul style="list-style-type: none"> - PMU/Construction and Supervision consultants to review
Training	<ul style="list-style-type: none"> - PMU/Construction and Supervision consultants 		<ul style="list-style-type: none"> - n/a (outside the scope of ESS2)
Code of Conduct	<ul style="list-style-type: none"> - n/a (the contract for direct workers will address relevant risks) 		
Grievance mechanism	<ul style="list-style-type: none"> - PMU/Construction and Supervision consultants 	<ul style="list-style-type: none"> - Contractor and PMU/Construction and Supervision consultants 	
Monitoring and reporting	<ul style="list-style-type: none"> - PMU/Construction and Supervision consultants to monitor and report to World Bank. 	<ul style="list-style-type: none"> - Contractor to monitor and report to PMU. - PMU/Construction and Supervision consultant to monitor and report to World Bank 	<ul style="list-style-type: none"> - Contractor to monitor and report to PMU. - PMU/Construction and Supervision consultant to monitor and report to World Bank.

7.0 POLICIES AND PROCEDURES

7.1 Labor Management Procedures

DOL/MONRE must adopt the following instruments and have overall responsibility for ensuring compliance:

- Occupational Health and Safety Strategy for Direct Project Workers.
- Terms and Conditions for Employment of Direct Project Workers.
- Environmental, Social, Health and Safety (ESHS) Specifications that would provide enforceable contract provisions for employment of contract workers, management and occupational health and safety. Three versions shall be created, (a) for use with contracts for service providers; (b) for use with contracts for nationally procured works; and (3) a simplified version for use with contracts for small works procured at Village level.

- Community Labor Management Procedure; and
- Grievance Mechanism Redress for workers (See Section 8).

All project activities (including the office construction/renovation work carried out by contractors) would have to define various risks, such as OHS risks, at the project site. Those OHS mitigation measures would refer to the ESMF and LMP of the project.

Contractors shall be expected to execute a site-specific OHS plan for site works, including (a) risk assessment including work-related accidents, hazardous chemicals, location-related risks; site-related risks etc.; (b) measures to ensure safe working around construction machinery; (c) measures to ensure safe working at heights; (d) measures to ensure safe handling of hazardous materials; (e) personal protection equipment to be provided, including type and number; (f) employment of any workers aged 15-17; (g) identifying the workers and the tasks they will be responsible for; (h) location, facilities and layout of site camps; (i) first aid provisions on site; and (j) accident and emergency procedures including location of relevant health facilities. Engineering supervisors must collaborate with contractors from works to prepare and finalize these plans for OHS.

7.2 Direct Project Workers

DOL/MONRE as EA/IA will be collaborated with the social and environmental consultant to develop an OHS plan for all direct project workers by adopted the ESMP, Community, Health and Safety Plan, Code of Conduct and Do's and Don'ts on wildlife trade and consumption that mentioned in the ESMF that includes those employed at national provincial and district or village level. The plan would recognize possible health and safety threats associated with project activity, including travel risks to remote locations. Direct workers on the project will be consulted on their inputs and health and safety concerns. The OHS strategy identifies appropriate mitigation measures. One member of the national project team will be named as OHS Focal Point and will manage and update the OHS plan as appropriate. The OHS plan will include a monitoring structure with a health and safety incident registry (accidents and other events that impact the health and safety of workers) that will be centrally managed by the OHS focal point.

The OHS plan will include specific measures to ensure the safety of workers traveling to remote areas, including (a) project cars to be driven by skilled drivers only; (b) compulsory use of helmets for drivers and passengers on project motorcycles at all times and on private motorcycles when used for project-related tasks; (c) traveling by motorcycle for project-related purposes only in daylight hours; and (d) monitoring, anticipating and minimizing possible safety hazards while driving, including liaison with local police and authorities, and encouraging project workers to express their concerns.

Project workers in remote areas may undertake health and safety training including infection prevention by infected food and/or water and/or vector-borne diseases, and snakebite and insect stings avoidance.

UXO risks shall be assessed by desktop analysis for all potential risk's sites with availability information/data from the National Regulatory Authority for the UXO/Mine Action Sector in the Lao PDR (UXO-NRA) and appropriate risk mitigation measures adopted (see in the Appendix 17 of ESMF - UXO Handling Procedure).

Terms and Conditions for the Employment of Direct Project Workers would include the implementation and enforcement of a non-discriminatory hiring policy for both EA/IA and project partners. DOL/MONRE must monitor implementation, with all IA and partner organizations expected to report on implementation.

7.3 Contracted Workers

The ESHS specifications will be included in the contract documentation for all contracts which employ contract workers. Compliance with the ESHS standards will be compulsory and as part of the payment approval process, will be checked by the supervising official or engineer. The following provisions will be included in the ESHS specifications:

- Ensuring occupational health and safety requirements in full compliance with law and regulation of Lao PDR, at a minimum and providing (a) basic safety awareness training to be given to all persons as a precondition for presence at an active construction site; (b) all staff on construction sites to be fitted with hard helmets, safety boots and protective gloves; (c) first aid equipment and services to be provided in compliance with the Ministerial Agreement no. 3006; and (d) appropriate hygiene services, rest areas etc.;
- All workers to be covered by the workplace hazards insurance.
- All work sites to provide a health and safety plan including identification of potential hazards and emergency measures, including incident location and emergency facilities.
- Any on-site accommodation to be safe and hygienic, including provision of an adequate supply of potable water, washing facilities, sanitation, accommodation, and cooking facilities. Location and layout of site camps to be agreed with construction supervisors and risk assessment conducted.
- Workers residing at site accommodation to receive training in preventing prevention of infection through contaminated food and/or water and or through vector-borne diseases; and in avoidance of sexually transmitted diseases.
- Fair and nondiscriminatory employment practices. Where contractors hire workers from the beneficiary community, disadvantaged and vulnerable community members are to have equal access to opportunities. Where large numbers of community members are employed, childcare facilities to be provided.
- Employment of children to be restricted in accordance with Section 8 below.
- All employees to be aware of their rights under the Labor Law, including the right to organize; and
- All employees to be informed of their rights to submit a grievance through the Project Worker Grievance Mechanism.

All contracted workers will be required to sign the code of conduct (see APPENDIX 1: GUIDELINE ON CODE OF CONDUCT) prior to the commencement of work, which includes a provision to address the risk of GBV.

Monitoring compliance with the ESHS Specification including LMP requirements will be treated as a core component of contract supervision which will be the responsibility of the supervising engineer (works contracts) or supervising project official, who may be staff of any of the project EA/IA or partners agencies. Certification that these conditions have been complied with will be a

condition for release of payment. In any case where breach of these conditions is identified, the supervisor will issue a written notice instructing corrective action. In case of a serious and immediate risk to health and safety in construction works, works on the site will be suspended until the corrective action is taken. In less urgent cases, works on the site will be suspended after seven days if the corrective action has not been taken.

8.0 AGE OF EMPLOYMENT

According to the Article 3 of Labor Law defines as “Child labor means youth labor unauthorized to work in dangerous jobs or sectors, working overtime, or undertaking hard labor, including children under the age of twelve years undertaking economic work”. However, child labor will be identified into two main categories:

- Children of the ages of 14-17 years may be employed provided they do not work overtime.
- Children of ages 12 and 13 may be employed for “light work” provided they shall not be required to undertake work that is unsafe, interferes with their schooling or vocational training or is dangerous to their body, psychology, or mind.

Considering this, the minimum age of project workers for such civil work under the ESLRP is set at 18 and the minimum age of project workers eligible for construction works is set at 18.

This would be the duty of the contractors to check the age of contract workers. Supervising officers and engineers may require proof of age of any worker suspected of being under the age of 15 or under the age of 18 and performing a task not approved for this age group.

All relevant suppliers to the project must be informed that the mandatory condition of the contract is compliance with labor law restrictions on child labor. Additional monitoring for the following identified high-risk sectors will be undertaken. Verification may be undertaken by either:

- Direct inspection of the premises of the supplier, with the presence of the Provincial Project Team and ESOs; or
- Provision of a certificate issued by Ministry of Labor and Social Welfare/Provincial Department of Labor and Social Welfare, certifying that the premises of the supplier has been inspected and no breaches of Lao law on child labor or forced labor have been found.

The deliberate violation by a project implementation partner of these minimum working age requirements will lead to the cancellation of the contract agreement. Intentional contravention by a client may result in termination of the contract.

Cases where it is determined that an unintentional breach of the minimum age of employment provisions due to a contractor 's failure to verify a worker's age will result in (1) suspension of work until full compliance with the provisions is verified; and (2) withholding payment for any part of the work done using child labor.

Verification of compliance by suppliers in high-risk sectors (above) with child labor regulations must be completed before delivery to the site or payment is made. No payment can be made for

building works by contractors for any portion of the works built using bricks or tiles unless the manufacturer has checked compliance with the child labor restrictions.

9.0 TERMS AND CONDITIONS

Direct Worker. Standard World Bank Consultancy⁴, which sets higher standards than the Labor Law of Lao PDR, will govern the terms and conditions for direct workers in PMU and consultants in the construction and supervision consultant.

Contracted workers. Labor Law of Lao PDR presented in Section V (Employment Contracts) of this law is the guiding legislation on employment terms and conditions for contracted workers.

Provision of written individual contract of employment. A written individual contract of employment shall be provided to workers that specify the following: (a) name of workers; (b) address, occupation, age, and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; and (g) procedure for suspension or termination of contract. Depending on the origin of the employer and the employee, employment terms and conditions will be communicated in a language that is understandable to both parties. In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.

Notice for termination of contract. Either party of the contract may cancel an indefinite employment contract at any time but must notify the other party at least 30 days in advance for employees undertaking physical labor and 45 days for employees undertaking mental labor (Article 80, Labor Law).

Minimum Wage. It is the level of salary or wages which the government announce its official use on each period to ensure a basic livelihood (Article 105, Labor Law). While the mechanism to set the official minimum wage is prescribed by the State (Article 108, Labor Law) is not currently functioning, the market rate is available for each job type in different locality. The fair market rate will be identified and applied for the ESLR project workers.

Hours of Work. Normal hours of work in every labor unit will be no more than six days per week and eight hours per day or no more than 48 hours per week, regardless of the type of salary or wage (Article 51, Labor Law).

Rest per Week. Workers have the right to at least one day's rest within a week or four days per month, which may be Sunday, or any other day as agreed between the workers and the employer (Article 54, Labor Law). Workers shall also be entitled to a rest day on public holidays recognized as such by the State.

⁴ Due to the purpose of the labor-management procedures is to facilitate planning for the project and help identify the resources necessary to address the labor issues associated with the project. The labor-management procedures support identifying the different types of project workers that are likely to be involved in the project and set out the ways of meeting the requirements of ESS2 that apply to the different types of workers. Where project workers are employed or engaged by different parties, the labor-management procedures set out the DOL's responsibilities concerning each category of project worker, identifying how different parties will meet the requirements on labor and working conditions set out in ESS2.

Sick Leave. Upon presentation of a medical certificate, workers that are remunerated monthly shall be entitled to sick leave with full pay for not more than 30 days per year. For workers who work on a daily or hourly paid basis, per unit of production basis, or based on specific work contracts, they will be entitled to payment during sick leave only if they have worked for more than ninety days (Article 55, Labor Law).

Annual Leave. Employees that have worked consecutively for one year have the right to annual leave of 15 days. The employer shall set the annual leave dates for the employee in advance or in accordance with any agreement between the employer and employee (Article 57, Labor Law).

Maternity Leave. Before and after giving birth, women workers shall be entitled to at least 100 and five days of maternity leave; however, at least 42 days of such leave shall be taken after giving birth. In cases of giving birth to twins, maternity leave shall be at least 100 and 20 days. During such a period, the employee shall receive full payment at the normal salary or wages (Article 98, Labor Law).

Death Benefit. Employees who are victims of accidents or disease outside of labor accidents and occupational diseases and take leave for treatment and rehabilitation over consecutive days for longer than one month, and who possess medical certification, have the right to receive salary and wages for one month or 30 days per one year from the employer. Should treatment continue, the employee will receive a subsidy for sickness from the employer or social insurance implementation agency as determined in the Law on Social Security (2018). If the employee dies, the employer, or social insurance implementation agency must pay a once-off remuneration to the family or successor of the employee as determined in the Law on Social Insurance (Article 129, Labor Law).

Collective Agreements. A collective agreement is an agreement relating to terms and conditions of work concluded between the representatives of one or more trade unions, on the one hand, and the representatives of one or more employers, on the other hand. Where collective agreements exist between the employer and project workers, such agreements will be applied, where relevant.

10.0 WORKER GRIEVANCE MECHANISM

ESLR Project will establish a workers grievance redress mechanism (WGRM) that will be available to direct workers and contract workers in the project. The GRM is separate from the general mechanism for grievance redress, defined in the Stakeholder Engagement Plan (SEP). The GRM's purpose is to address workplace concerns promptly, using a comprehensible and transparent process that delivers timely feedback to those concerned in a language they understand, without any retribution. The GRM must work independently and with an analytical approach.

The worker grievance redress mechanism will be established based on the Lao government issued the Decree on Labor Dispute Resolution no. 76/GOL, which serves as the implementing regulation for labor dispute resolution mechanisms that were previously mentioned in the Labor Law (2013). This Decree will help locally established companies to anticipate and plan for labor issues and exercise better control during labor disputes.

Under the Decree, the four main domestic solutions for employers and employees trying to settle labor disputes are arbitration, administrative remedy, the Committee for Labor Dispute Resolution, or decision by the Lao People's Court. Dispute resolution of an international nature is also covered by the Decree and can be addressed by way of relevant agencies or international protocols ratified by Laos. Generally, each approach takes into consideration both individual and collective disputes, the latter being characterized by claims pertaining to the rights or benefits of more than half of the employees in a labor unit or a business group (a new term defined under the Decree as a collection of labor units).

All direct project workers and contract workers will be notified of their right to access the WGRM and contact information for the relevant focal point on which first-instance complaints will be handled.

Project partner organizations and contractors may set up their own worker grievance redress mechanism and may, in the first instance, encourage employees to submit complaints to this internal mechanism, but must remind employees of their right to access the GRM. The use of an internal process for grievance resolution would not be a precondition for a claim being considered by the WGRM.

All EA / IA, including Provincial Project Teams, and relevant stakeholders will designate a member of staff/officer as the WGRM's Focal Point. Contact information would be disseminated to staff for the Focal Point. Workers' choices for sending a grievance to the Focal Point must include (i) the daily duty station location where the Focal Point can be reached in person or by mail delivered; (ii) a telephone number (the Project must include a dedicated number for that purpose) and hours during which the number will be active; and (iii) a social media site where grievances can be posted (this should be done in a way that does not make grievances posted to other users visible)

According to the Degree no. 76, the procedure will be used in the Project's WGRM was defined in two approaches as compromise and administrative resolution:

10.1 Compromise

An employer and individual employee or group of employees may wish to resolve a labor dispute through consultation to reach a compromise. To initiate the consultation, a proposal regarding the dispute must be submitted by one party to the counterparty. Each party may appoint a representative to lead the discussions or propose a third party to act as a mediator.

A successful consultation will include in writing the results of the discussions, including how the dispute in question will be resolved, and the signatures of all parties involved. The Decree stipulates that a compromise to resolve a dispute between an employer and an individual employee should be reached within 15 days from the date on which one party receives a proposal from the counterparty.

An employer may also face a dispute on a larger scale, involving a representative, or a representative organization, such as a labor union, acting on behalf of more than half of the employees in a labor unit or business group. In such case, the representative may submit their proposal to the employer to conduct collective bargaining. Similarly, the employer or a

representative can initiate collective bargaining with a particular labor unit if it believes that the conduct of the unit or group has a negative impact on the project’s activities.

A collective labor agreement will seal the collective bargaining. To be enforceable, the agreement must be signed by all parties involved, registered with the Lao Labor Administration Authority for examination, and registered with notary authorities to ensure full enforcement. According to the Decree no.76, a compromise to resolve a dispute between an employer and a labor unit should be reached within 30 days from the date on which one party receives the counterparty’s proposal.

If the parties cannot reach a satisfactory compromise, they are free to use another labor dispute resolution approach.

10.2 Administrative Resolution

According to the Degree no. 76, administrative resolution provide recourse to parties in many types of legal areas, including labor, intellectual property, banking and finance, insurance, and more. However, this type of remedy often lacks a detailed process to follow, with procedures shaped through practice with authorities rather than actual rules or regulations. The Decree therefore endeavors to provide a detailed framework for the use of administrative remedies in labor disputes.

The process for obtaining an administrative resolution is initiated when a complaint is filed with the relevant Labor Administration Authority, whether at the village, district, provincial, or ministry levels. Depending on the type of employee or number of employees involved, a labor dispute may originate at one level and be escalated to higher levels.

At each level, a mediator will be appointed by the relevant Labor Administration Authority to find a satisfactory solution within 15 days from the date of receipt of the written claims of both parties by authorities.

The four administration levels in which an administrative resolution can be filed are outlined in the **Table 3** below.

TABLE 3: THE ADMINISTRATIVE RESOLUTION AT EACH LEVEL

Level	Organization	Types of Labor Disputes Handled	Recourse if Unable to Resolve Dispute
Village	Labor and Social Welfare Division within Village (or Mediation Division if no Labor and Social Welfare Division is available)	Dispute involving unregistered employees (i.e., employee working outside of a labor unit, including freelance workers) and household workers (i.e., employees working in households for other people, employed on a basis contract that outlined duties, working hours, salary, payment term and residency terms)	Submit dispute dossier to the Office of Labor and Social Welfare at district level

District	Office of Labor and Social Welfare	<ul style="list-style-type: none"> Dispute that could not be resolved by the Labor and Social Welfare Division Dispute involving a labor unit comprised of less 10 employees that could not be resolved by the way of a compromise 	<p>Submit the dossier to the Department of Labor and Social Welfare at the provincial level.</p> <p>Bring the matter before the Lao People’s Court</p>
Provincial	Department of Labor and Social Welfare	<ul style="list-style-type: none"> Dispute that could not be resolved by the Office of Labor and Social Welfare Dispute involving a labor unit comprised of less 10 employees 	<p>Submit the dossier to the Department of Ministry of Labor and Social Welfare at the national level.</p> <p>Bring the matter before the Lao People’s Court</p>
National	Ministry of Labor and Social Welfare	<ul style="list-style-type: none"> Dispute that could not be resolved by the Department of Labor and Social Welfare Dispute involving a labor unit comprised of 100 or more employees. 	<p>Bring the matter before the Lao People’s Court</p>

(Adopted from the Decree on Labor Dispute Resolution no. 76/GOL, date February 28, 2018 and Handbook on Labor Law (2018))

At each administration level, a mediator will be appointed to find a satisfactory solution to the labor dispute at hand. The mediator’s duties include examining and considering the administrative remedy request filed by the parties involved; keeping a record of the information exchanged by the parties; creating a labor dispute resolution plan and calling relevant parties to take part in the mediation process; conducting the mediation process; certifying and ensuring that the mediation process is fair, timely, and efficient; recording the agreement that was reached during the mediation process, reading the agreement to the parties, and obtaining signatures from the parties; reporting the results of the mediation process to the Labor Administration Authority; and passing on the dossier to the Lao People’s Court if the matter cannot be resolved through the administrative remedy.

11.0 CONTRACTOR MANAGEMENT

Construction and other contracts will include labor and occupational health and safety provisions as set out in Lao PDR's legislation and World Bank’s Standard Procurement Documents.

ESLRP will manage and monitor contractors’ output in relation to hired employees, with an emphasis on contractors' conformity with their contractual arrangements (obligations, promises and warranties) and labor relations procedures. This can entail regular assessments, reviews and/or spot checks of project locations and job sites, as well as documents and notes collected by contractors on labor management.

The labor management records of contractors and the reports that could be reviewed would include: representative samples of employment contracts or arrangements between third parties and contract workers, records of grievances received and their resolution, reports of safety inspections, including fatalities and incidents and corrective actions, records of incidents of non-compliance with national law, and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

12.0 COMMUNITY WORKERS

As required by ESS2, as the result of a community agreement entity, all EA/IA and project partner organizations undertaking community work tasks must take action to ensure that community work is done on a voluntary basis. The applicable provisions of ESS2 must be implemented by EA/IA and project partner organizations in a manner that represents and is proportionate to (a) the complexity and scope of the project; (b) unique project activities involving community employees; and (c) the extent of possible threats and impacts for community workers.

Community Labor Management Procedure will be prepared by the contractor or project implementing agencies and suppliers that need to hire a local worker to assist their tasks and do works under the projects. The plan must be completed and submitted to DOL to review and approve prior to starting any work.

Accordingly, DOL/MONRE must ensure that Community Labor Management Procedure will follow to this LMP and the Law on Labor of LPDR that will include the following provisions:

- Establish terms and conditions for each group of Community Workers, including number and method of payment;
- Establish a health and safety risk assessment procedure to identify any OHS risk that may occur from the proposed tasks. Prepare an OHS risk management plan for the task with appropriate avoidance and mitigation measures to be taken, including (i) the provision of safety equipment at the workplace; (ii) the provision of first aid facilities at the workplace; (iii) ensuring that community members are not required to undertake hazardous tasks such as operating vehicles and equipment without adequate training; and (iv) ensuring that a qualified supervisor is present when performing any potentially unsafe task;
- Identify measures to be taken in an emergency, including provision for transporting the victims to an accident and emergency center for all community work tasks;
- Identify a focal point or community engagement leader responsible for health and safety during the community activity for all community service activities, who will undergo adequate training and maintain a record of any health and safety-related incidents that arise;
- Prohibit potentially dangerous forms of construction including (i) use of any form of ride-on construction equipment; (ii) construction work above ground level; (iii) construction work in excavations greater than shoulder depth; (iv) handling of hazardous materials (acceptable cement);
- Prohibit participation of children below the age of 18 in community work tasks; and

- Children aged under 18 will not be employed or engaged in the project in a manner that is likely to be hazardous or interfere with the education of the child or be harmful to the health of the child or to physical, mental, spiritual, moral, or social development.

13.0 PRIMARY SUPPLY WORKERS

This section addresses labor management risk associated with people employed or engaged by ESLR Project's primary suppliers. Primary suppliers are suppliers that supply products or services directly to the Project on a continuous basis.

The project will require a substantial number of materials to be procured for office construction/renovation, including concrete, steel products, bricks, tiles etc. The risk associated with the Project's primary supply will be discussed below. All primary suppliers are formal undertakings that are necessary to procure and manufacture high-standard products. Any new supplier is screened using a specific method that checks the supplier with respect to tax enforcement, certification, licensing, and compensation for employees. A separate form requires the primary supplier to identify the permanent staff of the company, and to declare any current or prior arbitration and any criminal convictions. Registered suppliers are subject to daily inspection by DOL's Commercial Services Unit, in compliance with ESLR. The analysis is undertaken twice a year and involves an officer to visit the premises of the supplier and respond to the commercial services.

Where a significant risk of child labor or serious safety issues has been identified in relation to primary suppliers, the monitoring and reporting procedure for primary supply workers will involve various measures that have been put in place to prevent and control them, such as setting up District to Village child labor prevention committees. In the event of child labor cases being identified, it will be reported to the authorities concerned (Labor law also provides for penal and administrative penalties in the event of non-compliance with labor provisions). In the event of an occurrence, the penalties provided by labor law will be applied to the primary supplier company.

APPENDIX 1: GUIDELINE ON CODE OF CONDUCT

A satisfactory code of conduct must include, as a minimum, responsibilities for all project staff (including contractors) that are sufficient to resolve the following issues. Additional roles can be applied to address issues of the relevant stakeholders, the location and the project sector, or specific project specifications.

The Code of Conduct should be written in Lao language and signed by each worker to indicate that they have:

- received a copy of the code.
- had the code explained to them.
- acknowledged that adherence to this Code of Conduct (COC) is a condition of employment; and
- understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.

To ensure that staff abide by the COC (such as by toolbox talks), the contractors will perform ongoing awareness raising and training activities. The Contractor will also ensure that residents are aware of the COC and are empowered to report any complaints or non-compliance. The issues to be addressed include:

- 1) Compliance with applicable jurisdictional **laws, rules and regulations**.
- 2) Compliance with applicable **health and safety requirements** (including wearing prescribed personal protective equipment (PPE), preventable accidents and reporting conditions or practices posing a safety hazard or threatening the environment).
- 3) The use of **illegal substances**.
- 4) **Non-discrimination** (e.g., in relation to family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability or political conviction).
- 5) **Interactions with community members** (e.g., conveying a positive and non-discriminatory attitude).
- 6) **Sexual harassment** (e.g., to forbid offensive, bullying, violent, sexually suggestive, demeaning or culturally unacceptable use of language or behavior, against women or children).
- 7) **Violence or exploitation** (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior).
- 8) **Violence or exploitation** (e.g., the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior).
- 9) **Sanitation requirements** (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas).
- 10) **Avoidance of conflicts of interest** (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection).

- 11) **Respecting reasonable work instructions** (including regarding environmental and social norms).
- 12) **Protection and proper use of property** (e.g., to prohibit theft, carelessness, or waste).
- 13) Duty to **report violations of this Code**; and
- 14) **No retaliation against workers** who report violations of the Code, if that report is made in good faith.

APPENDIX 2: WORKERS AND WORKFORCE MANAGEMENT

A concern during the project's implementation is the possible negative impacts of interactions between the workforce and local communities. A COC will also be created to outline the value of proper conduct, drug abuse and compliance with applicable laws and regulations. Each employee shall be informed of and bound by the COC while the Client or his Contractors are in the employment. The COC shall be available to residents at the residents' easily accessible project information centers or other locations.

The contractor is responsible for supplying all workers with appropriate training according to their level of responsibility for economic, health and safety issues.

The Code of Conduct shall address the following measures (but not limited to them):

- All the workforces shall sign in the COCs and abide the laws and regulations of the Lao DPR.
- Illegal substances, weapons and firearms shall be prohibited.
- Pornographic material and gambling shall be prohibited.
- Fighting (physical or verbal) shall be prohibited.
- Creating nuisances and disturbances in or near communities shall be prohibited.
- Disrespecting local customs and traditions shall be prohibited.
- Smoking shall only be allowed in designated areas.
- Maintenance of appropriate standards of dress and personal hygiene.
- Maintenance of appropriate standards hygiene in their accommodation quarters.
- Residing camp workforce visiting the local communities shall behave in a manner consistent with the COC.
- Failure to comply with the COC, or the rules, regulations, and procedures implemented at the construction camp will result in disciplinary actions.; and
- Develop a COC for sexual harassment in the workplace and check their compliance. The PMU should strictly supervise the implementation of this code; regularly organize activities to raise legal awareness for male and female workers, such as leaflet provision, regular activities.

Prohibitions. The following activities are prohibited on or near the project site:

- Cutting of trees for any reason outside the approved construction area.
- Hunting, fishing, wildlife capture, or plant collection.
- Buying of wild animals for food.
- Use of unapproved toxic materials, including lead-based paints, asbestos, etc.
- Disturbance to anything with architectural or historical value.
- Building of fires.
- Use of firearms (except authorized security guards).

- Use of alcohol by workers during working hours.
- Gambling should be strictly forbidden.
- Washing cars or machinery in streams or creeks.
- Doing maintenance (change of oils and filters) of cars and equipment outside authorized areas.
- Disposing trash in unauthorized places.
- Driving in an unsafe manner in local roads.
- Having caged wild animals (especially birds) in camps.
- Working without safety equipment (including boots and helmets).
- Creating nuisances and disturbances in or near communities.
- The use of rivers and streams for washing clothes.
- Indiscriminate disposal of rubbish or construction wastes or rubble.
- Littering the site.
- Spillage of potential pollutants, such as petroleum products.
- Collection of firewood.
- Poaching of any description.
- Explosive and chemical fishing.
- Latrine outside the designated facilities; and
- Burning of wastes and/or cleared vegetation.

Security. Some security measures shall be put into place to ensure the camp's safe and secure running and its residents for the office renovation and construction of the PONRE and DONRE for the land registration service. Some of these security measures include:

- The list of workers must be registered to local authorities in accordance with existing regulations of Lao PDR.
- Children under 18 years of age will not be hired under the Project.
- Adequate, day-time night-time lighting shall be provided.
- Control of camp access. Access to the camp shall be limited to the residing workforce, construction camp employees, and those visiting personnel on business purposes.
- Prior approval from the construction camp manager for visitor's access to the construction camp.
- A perimeter security fence at least 2 m in height constructed from appropriate materials.
- Provision and installation in all buildings of firefighting equipment and portable fire extinguishers.

Any office staff, employees of Contractor or any other person related to the project found in violation of these prohibitions will be subject to disciplinary action which can range from a simple reprimand to termination of his/her job depending on the seriousness of the violation. Additionally, the contract workers who will be work for the office construction and renovation work need to comply with the ESMP and ECOP as outlined in the ESMF as well.

APPENDIX 3: WORKER CAMP REQUIREMENT FOR THE CONSTRUCTION WORK

Workers' Camp and Site Installation Requirement. Usually, worker are sorted out locally for small type of construction (less than UDS 100,000), during meetings local governments and authorities discussed and suggested possible locations of workers' camps in case required for the construction works. If it will be required, the construction camp sites will have to be approved by local authorities and agreed with adjacent local communities prior to their establishment. If additional camps and accessory building sites are selected, the following criteria must be used:

- Construction sites, including concrete mixing stations and asphalt stations as well as construction camps will minimize the land occupation by setting them at the interchange areas where relatively large areas of land will be needed eventually.
- If any worker's camps be located at least 100 meters from any watercourses and be operated so that no pollutants enter watercourses. Camp areas shall be located to allow effective natural drainage.
- All construction camps shall be zoned according to their use (e.g., workers' camp zone, sanitary facilities, offices, etc.).
- The workforce shall be provided with safe, suitable, and comfortable accommodations. They must be maintained in clean and sanitary conditions.
- In every site adequate and suitable facilities for washing clothes and utensils shall be provided and maintained for the use of contract labor employed therein.
- Potable water for human consumption shall be provided for at camps, site offices, medical facilities, and other areas. Potable water shall follow the Lao National Standards for Drinking Water Quality.
- Drainage, wastewater treatment and solid waste disposal of the construction site shall follow national regulations and the mitigation measures presented in the ESMP, Simple Waste Management Plan and the ECOP; and
- Firefighting equipment, fire extinguishers shall be available at every camp.

Sanitary Facilities. Toilets can be using the existing facilities in the construction and renovation work site. In case of toilet is needed to separate for the ONLY workers, in every camp site separate and adequate lavatory facility (toilets and washing areas) shall be provided for the use of male and female workers. Toilet facilities should also be provided with adequate supplies running water, soap, and toilet paper. Such facilities shall be conveniently accessible and shall be kept in clean and hygienic conditions.

- Where workers of both sexes are employed, there shall be displayed outside each block of latrine and urinal, a notice in the language understood by most of the workers "For Men Only" or "For Women Only" as the case may be.
- Sanitary arrangements, latrines and urinals shall be provided in every workplace on the following scale: Where female workers are employed, there shall be at least one latrine for every 25 females or part thereof; Where males

are employed, there shall be at least one latrine for every 25 males or part thereof; and

- At every construction camp, there must be at least one mobile septic tank. The wastewater from the tank shall not be discharged into any watercourses. The wastewater shall be periodically transported away by a water tank to the nearest treatment plant.

Medical Facilities. A medical and first aid kit, medicine cabinets, condoms, etc., emergency phone number, phone number of the person in charge of safety, chief construction supervision engineer, hotline shall be provided at each camp area. All consumables in the first aid kit should be checked and recharged regularly.

Firefighting equipment. fire-extinguishers must be provided and setup the safety instructions on fire prevention and emergency phone number at the camp or the renovation work area.