



Community and Family Services International (CFSI)

Mindanao Trust Fund Reconstruction and Development Project Phase III Project ID: P174480

Labor Management Procedures (LMP)

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1. INTRODUCTION

1.1. Project Background

The Mindanao Trust Fund – Reconstruction and Development Project Phase III (MTF-RDP/3) will be implemented for five (5) months, from November 2020 through March 2021. The RDP/3 is expected to improve the socio-economic situation of communities affected by armed conflict, reduce risks associated with the COVID-19 crisis, help build social cohesion as well as confidence in the peace process, and establish links with government entities at various levels, including select ministries, thereby better ensuring the sustainability of project outcomes. RDP/3 will pursue a highly-participatory, inclusive, Community Driven Development (CDD) approach, promote the empowerment of women, and enable the participation of Indigenous Peoples.

The operational context for RDP/3 is the Annex on Normalization, Comprehensive Agreement on the Bangsamoro (CAB), and Republic Act No. 11054 or the Bangsamoro Organic Law (BOL), signed in 27 July 2018, and ratified via plebiscite conducted on 21 January 2019 and 06 February 2019 in the conflict-affected area of Mindanao. The results of the plebiscites ushered a new political entity -- Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), which will be led by the appointed Bangsamoro Transition Authority (BTA) until elections are held in 2022.

The Social Justice section of the BOL states: “The BARMM Government shall provide, maintain, and ensure the delivery of basic and responsive health programmes, quality education, appropriate services, livelihood opportunities, affordable and progressive housing projects, power and electricity, and water supply, among others, to the Bangsamoro people and other inhabitants of the Bangsamoro Autonomous Region.” In addition, it is expected to be prepared for disasters, able to provide immediate and effective relief, and “...ensure the rehabilitation of calamity-affected areas and victims of calamities.” To help meet these expectations, the BARMM Government has both requested and welcomed the assistance of both Development Partners and Humanitarian Partners. The RDP/3 is a response to this call.

The RDP/3 will build on the gains of RDP/2, scheduled to be completed in December 2020. Simultaneous implementation will allow for fast-tracking of certain processes like recruitment and third-party contracting, as well as synergies between the two projects, resulting in greater impact as well as value for money. Informed by the Sustainable Development Goals (SDG) of the Philippines and the priorities and plans of the BARMM Government, RDP/3 will seek to foster participatory governance mainstreaming through purposeful engagement with several line ministries of the transition government. To help save lives, prevent suffering, and mitigate the health system and socio-economic impact of the COVID-19 crisis, RDP/3 will be carried out in accordance with public health guidelines specific to this pandemic, as well as best practices in the prevention and management of infectious diseases.

Community and Family Services International (CFSI) will carry out the RDP/3 in close collaboration with partners in Mindanao who have a track record of learning and working well together to deliver impactful reconstruction and development projects within short timelines. The Project Development Objective of the RDP/3 is to enable identified communities in the conflict-affected area of Mindanao to access socio-economic opportunities as well as basic services and engage select ministries of the BARMM in participatory governance mechanisms.

The Project is being prepared in accordance with the World Bank’s new Environment and Social Framework (ESF), which came into effect on October 1, 2018, replacing the Bank’s Environmental and Social Safeguard Policies. Under the ESF, all World Bank Borrowers have agreed to comply with ten Environmental and Social Standards (ESSs) applied to investment project lending financed by the Bank. The project recognizes the significance of, and adopts the ESSs, for identifying and assessing as well as managing the environmental and social risks and impacts associated with this investment project. The reviews undertaken by the Bank have classified environmental and social risks as moderate. As a response, CFSI has developed several key instruments to address the same, including Labor Management Procedures (LMP) in accordance with related to Labor and Working Conditions (WAA1). The LMP ensures that the sub-projects and/or activities that will be implemented under RDP/3 are in accordance with the commitment of CFSI in complying with the relevant laws on labor welfare and protection. The LMP identifies main labor requirements and risks associated with it and help CFSI to determine the resources necessary to address labor issues. The LMP is a living document, which is initiated early in project preparation, and will be reviewed and

updated during implementation of the project. Accordingly, this document details the types of workers likely to be deployed by the project and the management thereof.

1.2. Project Components

Project Development Objective

The objective of the MTF Facility is to improve prospects for peace and development in conflict-affected areas in Mindanao by improving the social and economic recovery in conflict-affected communities of Mindanao. The development objective of the MTF-RDP/3 is to enable identified communities in the conflict-affected area of Mindanao to access socio-economic opportunities as well as basic services and engage select ministries of the BARMM in participatory governance mechanisms.

Project Description

The RDP/3 will support activities organized under three components: (1) community development assistance, (2) institutional capacity and partnership building for mainstreaming, and (3) project administration, monitoring, and evaluation.

Community Development Assistance

Under this component, assistance will be provided to selected communities in the six previously acknowledged MILF camps, including mixed communities comprising Muslims, Christians and Indigenous Peoples. This component includes three categories of sub-projects: Community Sub-Project (CSP), Health Sub-Projects (HSP), and Skills Sub-Projects (SSP). As mentioned earlier, this component will utilize the CDD approach and as such is expected to finance a wide range of small community infrastructure sub-projects.

Community Sub-Projects (CSPs), which are largely socio-economic in nature, are expected to increase income; improve travel times; provide safe drinking water and reduced vulnerability to economic shocks. The economic benefits will likely be due to larger and better-quality crop yields, diversified agricultural products, and/or more fish and processed fish products. These outcomes may be achieved through a range of assistance available which might include, for example, the construction of socio-economic infrastructure (SEI), such as water systems, access roads, and post-harvest facilities, combined with equipment, training, and/or other forms of technical assistance related to enhanced production, such as seeds and planting techniques for higher yield crops from the BARMM Ministry of Agriculture, Fisheries, and Agrarian Reform (MAFAR). The dual aim from such an assistance package would be to ensure new socio-economic infrastructures, designed to be both disaster-resilient and compliant with COVID risk reduction advisories, are continuously utilized to foster productive activity in the community that ensures sufficient food at the household level and, ideally, excess that can be sold or traded to meet other basic household needs.

The expected outputs of Health Sub-Projects (HSPs), best measured over time, include efforts in place to prevent illness as well as loss of life, and improved scores on basic health indicators. Addressing the risks and impact of COVID-19 will be the top priority. Likewise, the Expanded Programme on Immunization (EPI) of the Ministry of Health (MOH), focused on infants and children under five years of age. The range of assistance will be guided in part by the approach of the National and BARMM Governments to the COVID-19 crisis, will include the construction of Community-Based Infrastructure (CBI) in the camps, such as hand-washing stations in strategic locations, properly furnished and equipped health centers or health stations, and possibly even isolation facilities, all designed in accordance with the minimal standards of the MOH. In addition: training of community-based health volunteers; COVID-related information, education, and communication campaigns (IEC); provision of Personal Protective Equipment (PPE); and mechanisms for two-way communications between communities and health authorities for infectious disease control and in support of referral pathways.

The outputs of the Skills Sub-Project (SSP) are expected to include more food on the table, restored livelihoods, and productive engagement in community initiatives. Designed specifically for graduates of the ALS under RDP/2, the range of assistance under SSP will be informed by the interests and prior experience of the expected participants, but might include, for example: training, seeds, and tools for backyard gardening; training and equipment for home-based food production activities; sewing machines for tailors; fishing nets and supplies for fisherfolk; carpentry sets for carpenters; and training and supplies for hollow block making, etc. Information and education about COVID-19

will be provided for all the participants of the SSP, which will be carried out in accordance with social distancing advisories and delivered in a manner consistent with the Learning Continuity Plan (LCP) of the Ministry of Basic, Higher, and Technical Education (MBHTE), released in early June 2020. For the SSP, the courses will provide practical knowledge and skills enhancement activities complemented with start-up kits for each learner.

Institutional Capacity and Partnership Building

This component will support the strengthening of key institutions for project implementation. Technical and practical assistance will be provided to the Camp JTFCTs, as they are expected to play major coordinating and facilitation roles throughout the RDP/3. Camp JTFCTs will be trained and coached to help ensure inclusivity as well as compliance with safeguards, prevent and address COVID-19, foster greater accountability on the part of all stakeholders, and promote sustainability in all camp activities. Skills necessary for building linkages, fostering coordination, and nurturing relationships with the communities, People's Organizations, Local Government Units (LGUs), select BARMM ministries, and other development partners will further be strengthened.

Under this component, BDA, building on their project management capacity and in close partnership with CFSI, will be the party responsible for strengthening the capacities of the camps JTFCTs through experiential learning processes. BDA will be provided with the technical and practical assistance required to effectively carry out, in the context of "learning while doing", its project implementation and reporting responsibilities, further develop its institutional capacity, and build meaningful partnerships with select ministries of the BARMM Government and various development partners.

To help build social capital, promote mainstreaming, and better ensure the sustainability of project outcomes, the BDA, JTFCTs, and local POs will be expected to establish effective working relationships with Local Government Units (LGUs), both at the Municipal and Barangay levels.

Linkages or different levels of partnership with select ministries of the BARMM Government will also be established and formalized to ensure RDP/3's alignment with the Bangsamoro Development Plan (BDP), obtain technical assistance and relevant inputs, foster synergies with other relevant development initiatives, and promote the mainstreaming of the key principles and processes advanced by MTF-RDP funded projects.

Project Administration, Monitoring and Evaluation

This component will finance the oversight, coordination and overall management of the project. This will include assistance for specialized staff, the procurement of required goods, financing of incremental operating costs for the project grant recipient to execute and monitor the project, and communication and dissemination of information on the project objectives, strategies and lessons learned. The component will also support a strengthened monitoring and evaluation system, including an enhanced Feedback and Grievance Redress Mechanism.

RDP/3 will be managed by Community and Family Services International (CFSI), as the Trust Fund Recipient (TFR), and implemented in collaboration with the Bangsamoro Development Agency (BDA), as the Project Implementation Unit (PIU), and other key stakeholders. CFSI will establish a Project Management Unit (PMU) for RDP/3 operations in Mindanao with a variety of responsibilities, including – but not limited to – field-level leadership and technical support to the BDA PIU. RDP/3 was designed with a specific focus on the "six previously acknowledged" camps, the largest within the span of influence of the Moro Islamic Liberation Front (MILF).

2. OVERVIEW OF LABOR USE ON THE PROJECT

ESS 2 categorizes the workers into: direct workers, contracted workers, primary supply workers and community workers. The RDP/3 envisaged that the project would include direct workers (project staff of CFSI and BDA) as well as contracted workers (employees of civil works contractors) and community workers (community members). This section describes the following, based on available information:

2.1. Types and Characteristics of Project Workers

Direct Workers

CFSI's Project Management Unit (PMU) will carry out such key functions as coordination, fiduciary, monitoring, supervision and evaluation, and reporting. The PMU will be led by a Project Coordinator. The direct workers with the PMU include office-based staff assigned in its offices in Cotabato City, Iligan City and Marawi City, with most undertaking field activities.

BDA, as the Project Implementing Unit (PIU), will implement specific measures and actions at the field level, and includes office-based staff from its Central Management Office in Cotabato City and those based in the field.

The direct workers of the PMU and the PIU will be preferably from Mindanao or residing within the conflict-affected areas of Mindanao. They will have previous involvement in Official Development Assistance (ODA) projects involving community-driven development approaches, preferably working with multi-cultural groups of various faiths, and in the conflict-affected areas in Mindanao.

The direct workers will be hired for the implementation of this project as 'Consultancy Services' and they are not civil servants.

CFSI will also hire Technical Consultants to support institutions or departments involved in project components implementation, particularly in Component 2.

Contracted Workers

For socio-economic infrastructure (SEIs) and for community-based infrastructure (CBIs) under Component 1, contracted workers are expected under civil work contracts.

The contracted workers, who are skilled construction labor, will be drawn from the labor force market in BARMM, Philippines and will be engaged by the contractors. It is likely the workforce, will be predominantly male.

Community Workers

For socio-economic infrastructure (SEIs) and for community-based infrastructure (CBIs) under Component 1, community workers are expected under civil work contracts.

The community workers, who are skilled and/or semi-skilled construction labor, will be drawn from the six MILF camps. The likely workforce will be predominantly male. The community will recommend the Community Workers through community assemblies/meetings and will then be engaged by the contractors.

2.2. Number of Project Workers

Direct Workers. Total number of PMU and PIU staff is estimated at 99 but will be clarified when project implementation begins.

Contract Workers. The number of project-contracted workers who will be employed are not known as of now. This will become known as and when implementation begins. In the MTF-RDP Phase 2, the average number of contract workers for an SEI was 10 or 40% of the total manpower. The number of workers depends on the cost and extent of work for an SEI.

Community Workers. The number of project-contracted workers who will be employed are not known as of now. This will become known as and when implementation begins. In the MTF-RDP Phase 2, the average number of community workers for an SEI was 15 or 60% of the total manpower. The number of workers depends on the cost and extent of work for an SEI.

2.3. Timing of Labor Requirements

The direct workers of CFSI and BDA will generally be required full time and for the project duration. Other experts/consultants will be hired on demand basis throughout the project period. Timing for involvement of

contracted workers will be known at later stages. However, it is clear that they will be engaged depending on implementation of various sub-components on specific time slots.

Contracted workers for civil works will be required for the Component 1. Community workers, if available in the community camp, will also be required. Construction is planned from November 2020 through March 2021. The work hours should not exceed eight (8) hours a day, with the provision of at least one (1) hour for the rest.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The geographical coverage of the RDP/3 is the “six previously acknowledged” camps of the MILF. These are: (1) Camp Bad’r and (2) Camp Omar in Maguindanao; (3) Camp Rajamuda in Maguindanao and North Cotabato; (4) Camp Abubakar in Maguindanao and Lanao del Sur; (5) Camp Bushra in Lanao del Sur; and (6) Camp Bilal in Lanao del Sur and Lanao del Norte.

This section describes the following key potential labor risks, based on available information:

Labor risks associated with contracted workers at subproject level. Construction SEIs and CBIs included under the proposed project components and no major risks are envisaged. All contractors will be required to have a written contract with their workers materially consistent with the objective of ESS2, in particular child and forced labor, following procedures as specified in the World Bank’s Procurement Regulations.

Labor risks including labor influx and associated Gender-Based Violence (GBV), and child labor are considered low given the CFSI’s adherence to the rules and regulations adopted by the United Nations General Assembly on 20 November 1989 on the Convention on the Rights of the Child ratified by the Government of the Republic of the Philippines on 21 August 1990 that is also observed by CFSI as embodied in its Child Protection Policy. CFSI also abides by the policy expressed under the United Nations General Assembly Resolution 59/300 of 22 June 2005 on the protection from sexual exploitation and abuse against its personnel, employees and labourers, and embodied in its Policy on Preventing Sexual Exploitation and Abuse.

Since civil works to be supported under component 1 will be prioritized by CFSI, the risk of forced labor, gender-based violence and sexual exploitation and abuse (SEA) is expected to be small. Nonetheless, the contractors will be required in the contract to commit against the use of forced labor and to enforce measures to prevent GBV and SEA. CFSI and BDA staff in charge of contractor supervision will monitor and report the absence of forced labor and the enforcement of measures to prevent GBV and SEA.

Occupational Health and Safety (OHS) risks are low to moderate and will depend on the type of sub-components works to be implemented. All contractors hired for civil works under component 1 and other third party service providers will be required to comply with the labor management procedures, including procedures to establish and maintain a safe working environment as per requirements of ESS2. All contractors and third party service providers will be required to ensure workers will use basic safety gears, receive basic safety training and other preventive actions as provided in the Project’s Environmental and Social Management Framework (ESMF). This includes identification of a trained first aid person either in the community or amongst the contracted workers to act as first aid officer with basic first aid supplies to respond to on-site medical needs.

In light of the current COVID-19 pandemic, OHS will be considered with the project implementation to be in strict compliance with the minimum public health standards issued by the national/regional government and by the local government units to mitigate and stop the spread of COVID-19, among other emergencies or disasters that may occur.

Employment Risks. Direct workers will be hired by CFSI directly as project staff. Contract workers and community workers will be hired by contractors. Contractors will be required to comply strictly with the obligation to pay promptly the wages and salaries of employees and laborers within three days after the end of every pay period, as provided by law. Salary disbursements will be accompanied by signed acknowledgement receipts and the

computation of the salary disbursed will reflect, amongst others, the gross salary for the covered salary duration, deductions and other emoluments when appropriate.

Security Risks. As the RDP/3 will be carried out in the conflict-affected area, project workers will be subject to security concerns. Some of the communities within the six camps are affected by clan conflict, and by the presence of other armed, non-state actors who are not parties to the ongoing peace process.

CFSI's lessons learned in implementing projects in the six previously acknowledged camps of the MILF and the broader conflict-affected areas of Mindanao proves that security is best managed through proper and timely coordination with local stakeholders and by following the coordination protocols set by the parties of the peace process. For the implementation of the RDP/3, CFSI will continue managing security risks through regular coordination with the camp JTFCTs, MILF and government counterparts, UN agencies, Civil Society Organizations, and community members that understand the local dynamics in the area. CFSI will revisit its security policy, orient project workers, and monitor compliance.

The Staff Security protocol of CFSI is informed by that of the UN System, but guided by trusted counterparts in the conflict-affected area of Mindanao, including communities. Generally speaking, there is no need for a Security Personnel Management Plan involving private security or the security services of government. In the event that World Bank staff requires private security personnel for field missions, CFSI will work with the World Bank to formulate a site-specific and context-specific Security Personnel Management Plan.

All CFSI staff are also oriented on the UN Security Awareness Policy upon joining the organization and a staff security orientation is regularly provided to all. Security updates are also provided to all staff to ensure staff's awareness on the latest security status in their respective areas of operations.

Each office of CFSI has designated security focal point to monitor, receive and report the security incidents to the Operations Management Team (OMT) then to the overall focal point up to the CFSI Senior Management Team (SMT). The reported security incident is disseminated to staff for reference and action. For those staff on travel/on field mission, they send regular messages to the assigned security focal point upon arrival to the area. The security focal monitors the whereabouts of the staff on field. A staff locator chart is also updated and maintained in the office for internal reference.

CFSI will continue to implement measures for RDP/3 and collaborate with BDA in enhancing processes in mitigating security risks for BDA staff, including working with the JTFCT, PO's and government counterparts, and in improving to mitigating measures, including mandatory training on staff security for CFSI and BDA staff. Contractors will be required to install its own measures to train contract workers and community workers and work with the CPST and the JTFCT in developing its own security measures.

4. BRIEF OVERVIEW OF LABOR LEGISLATION

4.1. National Labor Legislation: Terms and Conditions

The legislation of the Republic of the Philippines on labor protection is based on the Constitution of the Republic of the Philippines and consists of the Labor Code, the Law on labor protection and other regulatory legal acts of the Philippines. National labor legislation (Labor Code of the Philippines PD 442) would apply to Contracted Workers and Community Workers.

The Constitution of the Republic of the Philippines on labour conditions and occupational safety provides everyone the right to full protection. Workers shall be entitled to security of tenure, human conditions of work, and a living wage (Section 3).

The Labor Code of the Philippines (Presidential Decree No. 442, s. 1974) stands as the law governing employment practices and labor relations in the Philippines. It prescribes the rules for hiring and termination of private employees; the conditions of work including maximum work hours and overtime; employee benefits such as holiday

pay, thirteenth month pay and retirement pay; and the guidelines in the organization and membership of labor unions as well as in collective bargaining. The Labor Code includes, among others, the following provisions:

- Hours of Work (Book III, Title 1, Chapter 1)
- Weekly Rest Periods (Book III, Title I, Chapter 2)
- Holidays, Service Incentive Leaves and Service Charges (Book III, Title I, Chapter 3)
- Minimum Wage Rates (Book III, Title II, Chapter 2)
- Payment of Wages (Book III, Title II, Chapter 3)
- Employment of Women (Book III, Title III, Chapter 1)

The Magna Carta of Women (Republic Act No. 9710), dated August 14, 2009, is a comprehensive women's human's rights law that seeks to eliminate discrimination through the recognition, protection and fulfillment and promotion of the rights of Filipino women, especially those belonging in the marginalized sectors of society. The law mandates the State in providing support systems to keep women safe from occupational and health hazards, as well as allow them to achieve work-life balance, guarantee union membership; and assure respect in the workplan for indigenous people's customs.

Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7658), dated January 21, 1994, prohibits the employment of children below 15 years of age in public and private undertakings, amending its purpose Section 12, Article VIII of Republic Act No. 7610. Further, Republic Act 9231 passed in 2003 strengthens the prohibitions against engagement of children in the worst forms of child labor including engagement of children in hazardous work.

The Magna Carta for Disabled Persons (Republic Act No. 7277 dated 1992 and amended by RA 9442 in 2008) provides that disabled persons must not be refused access to appropriate employment opportunities. The Indigenous Peoples' Rights Act (RA 8371) likewise considers illegal for anyone to discriminate against Indigenous Cultural Communities and Indigenous Peoples particularly with regards to recruitment and employment conditions.

The Anti-Age Discrimination in Employment Act (RA 10911) considers illegal for employers, among others, to decline any employment application because of the individual's age and discriminate against an individual in terms of compensation on account of age. It is also illegal for labor contractor or subcontractor, to refuse to refer for employment or otherwise discriminate against any individual because of such person's age.

The Anti-Sexual Harassment Act (Republic Act No. 7877) specifies the responsibility of the employer or head of the work environment to prevent sexual harassment and create a policy by which employees can resolve or prosecute such acts.

The Expanded Anti-Trafficking in Persons Act of 2012 (Republic Act No. 10364) states that any act that introduce or match for money, profit, or material, economic or other consideration any person for purposes of forced labor, slavery, involuntary servitude or debt bondage is prohibited. Further, trafficking for purposes of exploitation of children shall include all forms of slavery or practices of slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict.

4.2. National Labor Legislation: Occupational Health and Safety

The Labor Code of the Philippines (Presidential Decree No. 442, s. 1974) includes a provision on Occupational Health and Safety (Book IV, Title 1, Chapter 2).

Occupational Safety and Health (OSH) Standards was formulated in 1978 in compliance with the constitutional mandate to safeguard worker's social and economic well-being as well as his physical safety and health. In August 1989, the OSH Standards were revised, including provisions for a better tool for promoting and maintaining a safe and conducive working environment.

With Republic Act No. 11058, dated August 17, 2018, employees are now required to comply with occupational safety and health standards including informing workers on all types of hazards in the workplace and having the right to refuse unsafe work, as well as providing facilities and personal protective equipment for the workers, among

others. Department Order 198-18 of DOLE outlines the implementing rules and regulations of RA 11058, further stating the designation of at least one trained first aid employee for each 10-15 persons.

OHS protocols that are related to COVID-19 will need to conform with Guidelines provided by the national government, regional government and local government, whenever applicable. These Guidelines include, but are not limited to, the following: Interim Guidelines of the Department of Trade and Industry (DTI) and Department of Labor and Employment (DOLE) dated 30 April 2020; Department Order No. 35, Series of 2020 dated 04 May 2020 from the Department of Public Works and Highways (DPWH); and Labor Advisory No. 18, Series of 2020 dated 16 May 2020 from the DOLE.

The Republic Act No. 11469 (*Bayanihan to Heal as One Act*) also provides guidelines related to COVID-19, including the following related issuances:

- DOH AO 2020-0013 – Revised AO 2020-0012 (Guidelines for the Inclusion of Coronavirus Disease 2019 (COVID-19) in the List of Notifiable Diseases for Mandatory Reporting to the Department of Health” dated March 17, 2020.
- DOH AO-2020-0015 – Guidelines on the Risk-Based Public Health Standards for COVID-19 Mitigation
- DOH AO 2020-0016 (4 May 2020) Minimum Health System Capacity Standards for COVID-19 Preparedness and Response Strategies
- IATF Memorandum Circular No.4 (2020): Interim Protocols for Humanitarian Assistance During Community Quarantine
- DOH Memorandum 2020-0208 – Interim Guidelines on Enhancing the Infection Prevention and Control Measures through Engineering and Environmental Controls in all Health Facilities and Temporary Treatment and Monitoring Facilities during the COVID-19 Pandemic.
- DOH Memorandum 2020-0157 – Guidelines on Cleaning and Disinfection in Various Settings as an Infection Prevention and Control Measure Against COVID-19
- DOH and DILG Joint Administrative Order 2020-001 – Guidelines on Local Isolation and General Treatment Areas for COVID-19 cases (LIGTAS COVID) and the Community-Based Management of Mild COVID-19 Cases
- DOH Memorandum 2020-0167 Interim Guidelines on the Proper Handling and Disinfection of Non-critical Items Used in the Management of COVID-19 Patients in All Health Facilities and Temporary Treatment and Monitoring Facilities

5. THE WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARDS (ESS): STANDARD 2

The World Bank’s stipulations related to labor are outlined in its ESS2 of the ESF. CFSI promotes sound worker-management relationships and provides safe and healthy working conditions. Key objectives of the ESS2 are to:

- Promote safety and health at work;
- Promote the fair treatment, nondiscrimination and equal opportunity of project workers;
- Secure protection of 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;
- Prevent the use of all forms of forced labor and child labor;
- Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law; and
- Provide project workers with accessible means to raise workplace concerns.

ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants.

Working conditions and management of worker relationships. CFSI has developed the labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and contract workers.

Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor law and ESS requirements (which will include collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits. This information will be provided at the beginning of the working relationship and when material changes occur.

6. RESPONSIBLE STAFF

The CFSI Project Coordinator will be directly supervised by the CFSI Executive Director. The Project Coordinator will coordinate the project activities including relations with direct workers of the PMU.

The CFSI Project Coordinator will be responsible for the following:

- Ensure the implementation of the Environmental and Social Commitment Plan (ESCP) and Labor Management Procedures (LMP);
- Ensure that civil works contractors comply with the LMP, and also prepare occupational health and safety plans before mobilizing to the field;
- Ensure the contracts with the contractors and third party service providers are developed in line with the provisions of this LMP and the project's ESMF, as detailed in the Project Operations Manual (POM);
- Monitor to verify that contractors are meeting labour and OHS obligations toward contracted and subcontracted workers as required by Philippine law and respective contracts between CFSI and the contractors;
- Monitor contractors and subcontractors' implementation of labor management procedures;
- Monitor compliance with occupational health and safety standards at all workplaces in line with occupational health and safety legislation of the Philippines;
- Monitor and implement training on LMP and OHS for project workers;
- Ensure that the grievance redress mechanism for project workers is established and implemented and that workers are informed of its purpose and how to use it;
- Have a system for regular monitoring and reporting on labor and occupational safety and health performance; and
- Monitor implementation of the Code of Conduct.

In light of the COVID-19 situation, the CFSI Project Coordinator is also expected to:

- Ensure that all activities should be accompanied with COVID19 related awareness raising information;
- Consider other channels of communication when conducting stakeholder consultations and engagement activities, including but not limited to: avoiding public gathering taking into account national/local restrictions; keeping small group meetings and should be held outdoors, with appropriate distancing between attendees; wearing of face masks and making alcohol-based sanitizers available; if small gatherings are not permitted, hold meetings and other means of communication via social media or online channels.
- Ensure that Contractors:
 - Provide details in writing of the measures being taken by the Contractors to address the risks of COVID-19. The construction contract should include health and safety requirements, and these can be used as the basis for identification of, and requirements to implement, COVID-19 specific measures. The measures may be presented as a contingency plan, as an extension of the existing project emergency and preparedness plan or as standalone procedures. The measures may be reflected in revisions to the project's health and safety manual.
 - Convene regular meetings with the project health and safety specialists and medical staff (and where appropriate the local health authorities), and to take their advice in designing and implementing the agreed measures.
 - Where possible, identify a senior person as a focal point to deal with COVID-19 issues. This can be a work supervisor or a health and safety specialist. This person can be responsible for coordinating preparation of the site and making sure that the measures taken are communicated to the workers, those entering the site and the local community. It is also advisable to designate at least one back-up person, in case the focal point becomes ill; that person should be aware of the arrangements that are in place.
 - Ensure that workers are encouraged to use the existing grievance redress mechanism to report concerns relating to COVID-19, preparations being made by the project to address COVID-19 related issues, how

procedures are being implemented, and concerns about the health of their co-workers, other staff and the community.

CFSI Project Coordinator will include standard templates of contracts which include LMP, OHS, sub-project specific ECoP or ESMP aspects, and that the contractors and third party service providers (NGOs and civil works) commit to them. LMP, OHS and ECoP or ESMP responsibilities of the Contractors are the following:

- Follow the labor management procedures and occupational health and safety requirements in line with the ESMF provisions and stated in the contracts signed with CFSI. If the number of workers (direct+ contracted) is above 50, then Contractors will develop their own LMPs, OHS plans and ECoPs or ESMPs;
- Supervise the subcontractors' implementation of labor management procedures and occupational health and safety requirements;
- Maintain records of recruitment and employment of contracted workers as provided in their contracts;
- Communicate clearly job descriptions and employment conditions to all workers;
- Make sure every project worker hired by contractor/subcontractor is aware of the CFSI dedicated phone number, email address, and web portal through which anyone can submit grievances;
- Provide induction (including social induction) and regular training to employees in labor protection requirements, including training on their rights on safe labour under Philippine law, on the risks of their jobs, and on measures to reduce risks to acceptable levels;
- In collaboration with a focal person on safeguards, conduct training on labour management procedures and occupational safety to manage subcontractor performance; and
- Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works and supervise compliance with the Code.

7. POLICIES AND PROCEDURES

As specified in the Labor Code, employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following standards and policies will be followed by contractors and third party service providers and monitored by the CFSI Project Coordinator, to ensure fair treatment of all employees:

Recruitment and Contracting

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the contract.
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in two languages, in the state language and the 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.
- All workers will be 18 years old or above for civil works. This will be a requirement in contracts with civil works contractors.
- Unskilled labor will be preferentially recruited from the surrounding communities.

Working Conditions

- Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration.

- It is noted that language-related problems are not expected, but if they are, interpretation will be provided for workers as necessary.
- Health and safety measures to prevent the spread of COVID-19 are in place, including but not limited to: provision of appropriate space between project workers as per government/local guidelines; ensuring COVID PPEs are used, strictly for face masks, with other PPEs as needs are identified by the PMU and/or PIU.

Termination

- Workers will be informed at least one month before their expected release date of the coming termination.

The CFSI Project Coordinator will ensure that guidelines related to COVID-19, as provided by national government, regional government and local governments, are adapted with regards to the OHS for project workers. The project's guidelines would include, but not limited to:

- Prior to deployment.
- During deployment, including how project workers conduct public consultations and activities with members of the community, and other stakeholders.
- Information dissemination and public consultations.

The BDA Executive Director will ensure that guidelines are adapted for and by its staff:

- Guidelines as provided by national government, regional government and local governments, are adapted with regards to the OHS for its staff, including those related to COVID-19; and
- Simplified Construction Field Guide for SEIs (Appendix A).

The Contractors will be responsible for the following:

- Obey requirements of the national legislation and this labor management procedure;
- Ensure that guidelines related to COVID-19 by national government, regional government and local governments, are adapted for its workers;
- Comply with the requirements of the DPWH on COVID-19 protocols for construction workers, including but not limited to, social distancing and provision of quarantine and isolation areas in case of suspected and/or confirmed cases;
- Monitor COVID-19 symptoms among the contracted skilled laborers and provide immediate assistance and support to respond to any suspected case in coordination with the PIU and LGU, as when required;
- Provide health and emergency/first aid services to its workers;
- Include clear provisions in its employment contracts with construction workers on the acceptance of salaries during the quarantine/isolation period related to COVID-19;
- Conform to the Simplified Construction Field Guide for SEIs (Appendix A);
- Meet its responsibilities, including its public interaction with the community;
- Maintain records of recruitment and employment process of contracted workers;
- Communicate clearly job description and employment conditions to contracted workers; and
- Have a system for monthly review and reporting on labor, and occupational safety and health performance.

In light of the COVID-19 situation, the Contractors should ensure the following, to cover the contracted workers and the community workers:

1. Prepare a detailed profile of the project work force, key work activities, schedule for carrying out such activities, different durations of contract and rotations (e.g. 4 weeks on, 4 weeks off). This should include a breakdown of workers who reside at home (i.e. workers from the community), workers who lodge within the local community and workers in on-site accommodation. Where possible, it should also identify workers that may be more at risk from COVID-19, those with underlying health issues or who may be otherwise at risk.
2. Consideration should be given to ways in which to minimize movement in and out of site. This could include lengthening the term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas.
3. Workers accommodated on site should be required to minimize contact with people near the site, and in certain cases be prohibited from leaving the site for the duration of their contract, so that contact with local communities is avoided.
4. Consideration should be given to requiring workers lodging in the local community to move to site accommodation (subject to availability) where they would be subject to the same restrictions.

5. Workers from local communities, who return home daily, weekly or monthly, will be more difficult to manage. They should be subject to health checks at entry to the site and at some point, circumstances may make it necessary to require them to either use accommodation on site or not to come to work.
6. Entry/exit to the work site should be controlled and documented for both workers and other parties, including support staff and suppliers. Possible measures may include:
 - Establishing a system for controlling entry/exit to the site, securing the boundaries of the site, and establishing designating entry/exit points (if they do not already exist). Entry/exit to the site should be documented.
 - Training security staff on the (enhanced) system that has been put in place for securing the site and controlling entry and exit, the behaviors required of them in enforcing such system and any COVID -19 specific considerations.
 - Training staff who will be monitoring entry to the site, providing them with the resources they need to document entry of workers, conducting temperature checks and recording details of any worker that is denied entry.
 - Confirming that workers are fit for work before they enter the site or start work. While procedures should already be in place for this, special attention should be paid to workers with underlying health issues or who may be otherwise at risk. Consideration should be given to demobilization of staff with underlying health issues.
 - Checking and recording temperatures of workers and other people entering the site or requiring self-reporting prior to or on entering the site.
 - Covering the cost of testing of workers on COVID-19 should the workers manifest symptoms.
 - Providing daily briefings to workers prior to commencing work, focusing on COVID-19 specific considerations including cough etiquette, hand hygiene and distancing measures, using demonstrations and participatory methods.
 - During the daily briefings, reminding workers to self-monitor for possible symptoms (fever, cough) and to report to their supervisor or the COVID-19 focal point if they have symptoms or are feeling unwell.
 - Preventing a worker from an affected area or who has been in contact with an infected person from returning to the site for 14 days or (if that is not possible) isolating such worker for 14 days.
 - Preventing a sick worker from entering the site, referring them to local health facilities if necessary or requiring them to isolate at home for 14 days.
7. Requirements on general hygiene should be communicated and monitored, to include:
 - Training workers and staff on site on the signs and symptoms of COVID-19, how it is spread, how to protect themselves (including regular handwashing and social distancing) and what to do if they or other people have symptoms.
 - Placing posters and signs around the site, with images and text in local languages.
 - Ensuring handwashing facilities supplied with soap, disposable paper towels and closed waste bins exist at key places throughout site, including at entrances/exits to work areas; where there is a toilet, canteen or food distribution, or provision of drinking water; in worker accommodation; at waste stations; at stores; and in common spaces. Where handwashing facilities do not exist or are not adequate, arrangements should be made to set them up. Alcohol based sanitizer (at least 70% ethyl) can also be used.
 - Setting aside part of worker accommodation for precautionary self-quarantine as well as more formal isolation of staff who may be infected.
 - Conducting regular and thorough cleaning of all site facilities, including offices, accommodation, canteens, common spaces. Review cleaning protocols for key construction equipment (particularly if it is being operated by different workers).
 - Providing cleaning staff with adequate cleaning equipment, materials and disinfectant.
 - Reviewing general cleaning systems, training cleaning staff on appropriate cleaning procedures and appropriate frequency in high use or high-risk areas.
 - Where it is anticipated that cleaners will be required to clean areas that have been or are suspected to have been contaminated with COVID-19, providing them with appropriate PPE: gowns or aprons, gloves, eye protection (masks, goggles or face screens) and boots or closed work shoes. If appropriate PPE is not available, cleaners should be provided with best available alternatives.

- Training cleaners in proper hygiene (including handwashing) prior to, during and after conducting cleaning activities; how to safely use PPE (where required); in waste control (including for used PPE and cleaning materials).
 - Any medical waste produced during the care of ill workers should be collected safely in designated containers or bags and treated and disposed of following relevant requirements (e.g., national, WHO). Under RA8749, open burning and incineration of medical wastes is not allowed. Section 20 provides that treatment options for infectious wastes are limited to non-burn technologies. The allowed non-burn technologies in the destruction of healthcare wastes must comply with the criteria and emission standards as provided in Rule 28 of DENR Administrative Order 2000-81.
8. Consider changes to work processes and timings to reduce or minimize contact between workers, recognizing that this is likely to impact the project schedule. Such measures could include:
- Decreasing the size of work teams.
 - Limiting the number of workers on site at any one time.
 - Changing to a 24-hour work rotation, with the number of shifts per day, to be determined.
 - Adapting or redesigning work processes for specific work activities and tasks to enable social distancing, and training workers on these processes.
 - Continuing with the usual safety trainings, adding COVID-19 specific considerations. Training should include proper use of normal PPE. While as of the date of this note, general advice is that construction workers do not require COVID-19 specific PPE, this should be kept under review.
 - Reviewing work methods to reduce use of construction PPE, in case supplies become scarce or the PPE is needed for medical workers or cleaners. This could include, e.g. trying to reduce the need for dust masks by checking that water sprinkling systems are in good working order and are maintained or reducing the speed limit for haul trucks.
 - Arranging (where possible) for work breaks to be taken in outdoor areas within the site.
 - Consider changing canteen layouts and phasing meal times to allow for social distancing and phasing access to and/or temporarily restricting access to leisure facilities.
 - At some point, it may be necessary to review the overall project schedule, to assess the extent to which it needs to be adjusted (or work stopped completely) to reflect prudent work practices, potential exposure of both workers and the community and availability of supplies, taking into account government advice and instructions.

8. AGE OF EMPLOYMENT

The minimum age for employment in the Philippines is 18 years old. Persons 15 to 18 years old can be employed subject to the rules and conditions set out in RA 9231, RA 7610 and its corresponding implementing rules and regulations. For this project, as this will expose the child to hazardous working conditions, no contracted worker shall be under the age of 18.

Contractors will be required to verify and identify the age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record that will ascertain the age of the applicant. If a minor under the minimum labour eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, taking into account the best interest of the minor. In addition, the necessary punitive actions will be taken against the employer/contractor.

9. TERMS AND CONDITIONS

The terms and conditions applying to workers will be set out in this document. These internal labor rules will apply to all workers who are assigned to work on the project (direct workers). Terms and conditions of contracted workers and community workers are determined by their individual contracts.

The precise number of project workers who will be contracted are not known as of now. This will become known as and when implementation begins. A staffing plan for direct workers has been developed and will be updated during implementation.

The contractors' labor management procedure will set out terms and conditions for the contracted and subcontracted workers. These terms and conditions will be in line, at a minimum, with this labor management procedure, the Labor Code of the Philippines and specified in the standard contracts to be used by CFSI under the project, which will be provided in Project Operations Manual and follow this LMP and the project ESMF.

In addition to these professionals, CFSI shall hire as many individual consultants as needed to help with the implementation of specific project activities over the course of the implementation. All the consultants will be trained on the World Bank policies and procedures and with additional implementation support after project effectiveness.

10. GRIEVANCE REDRESS MECHANISM

A Grievance Redress Mechanism (GRM), where feedbacks and complaints can be reported, will be provided for all direct workers, contracted workers and community workers to raise workplace concerns. Such workers will be informed of the GRM at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Measures will be put in place to make the GRM easily accessible to all project workers and in accordance with ESS2.

The GRM is not an alternative/substitution to legal/judicial system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor related grievances, without escalating to higher stages. Having said that, all workers always have rights, according to Philippine legislation, to access judicial/legal grievance management system. The project workers' grievance redress mechanism will not prevent workers to use other legal remedies provided for by law.

The GRM applied in RDP/2, will be enhanced for the RDP/3, considering the COVID-19 pandemic and the prospect of a "new normal" that requires alternative means of reaching out to people when access in person is restricted. It will provide project workers with various means for providing feedback and/or raising concerns about any facet of project implementation. The enhanced mechanism includes, in addition to calls, texting, email, and messaging through social media platforms, the installation of Feedback and Complaint boxes established in strategic locations. The step-by-step procedure for the GRM will be established before project effectivity and will be described in the Project Operations Manual (POM).

Grievances that do not have large scale impact, are non-heinous, and can be solved/corrected easily shall be dealt with quick turn-around time action. Complicated grievances, such as allegations of misuse of funds, abuse of power, procurement irregularities, and criminal liabilities will be handled within appropriate timeframe considering the time required for formal investigation. In this case, the handling process for all grievances should be monitored until final resolution.

Grievance resolution shall subscribe to the rules of fair, impartial, and evidence-based investigation process. More importantly, it shall ensure that the interest of the direct beneficiaries and the applicable safeguards are primarily considered in the investigation and resolution process. The GRM shall ensure confidentiality and privacy of the parties involved.

The GRM Focal Person shall closely monitor progress of actions taken vis-à-vis grievances and provide regular feedback to the complainant until its final resolution. The GRM Report should form part of the monthly report tackled during the CFSI-BDA Partners Meeting. It will also be a part of CFSI's Quarterly Progress Report due to the World Bank.

The project workers may submit complaints to existing project-level grievance redress mechanism or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project workers may submit their complaint to the WB's independent Inspection

Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projectsoperations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

11. CONTRACTOR MANAGEMENT

Construction and other contracts will include provisions related to labor and occupational health and safety as provided in the World Bank Standard Procurement Documents and Philippine legislation.

CFSI will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labor management procedures. This may include periodic audits, inspections, and/or spot checks of project locations and work sites as well as of labor management records and reports compiled by contractors.

Contractors' labor management records and reports that may be reviewed would include: representative samples of employment contracts or arrangements between third parties and contracted workers, records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to 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. COMMUNITY WORKERS

Community workers employed by contractors are covered under the sections in this LMP on policies and procedures, age of employment, terms and conditions, grievance redress mechanism, and contractor management.

Community workers that may be engaged by CFSI and/or BDA with regards to civil works will likewise be covered under the sections in this LMP on policies and procedures, age of employment, terms and conditions, and grievance redress mechanism.

For clarifications pertaining to this document and/or for additional information, kindly contact CFSI at headquarters@cfsi.ph or at +632-8551-2374.