



Sint Maarten

**Civil Society Partnership Facility for Resilience Project (CSPFRP)
(P172339)**

**Labor Management Procedures
(LMP)**

June 2020

- DRAFT VERSION -

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GLOSSARY

CSO	Civil Society Organization
CSPFRP	Civil Society Partnership Facility for Resilience Project
DTL	Deputy Team Leader
ESCP	Environmental and Social Commitment Plan
ESHS	Environmental Social Health and Safety
ESMP	Environmental and Social Management Framework
ESF	Environmental and Social Framework
ESS	Environmental and Social Standard
E&S	Environmental and Social
GBV	Gender Based Violence
GM	Grant Manual
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
GoSM	Government of Sint Maarten
LBT	Learning Benchmark Training
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
NRPB	National Recovery Program Bureau
NRRP	National Recovery and Resilience Plan
OHS	Occupational Health and Safety
OM	Operations Manual
PIU	Project Implementation Unit
PTC	Project technical Committee
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
TL	Team Leader
VNGI	International Cooperation Agency of the Association of Netherlands Municipalities
VSA	Ministry of Health, Social Development and Labor
WB	World Bank

1. OVERVIEW OF LABOR USE ON THE PROJECT

- 1.1 The CSPFR Project¹ is in charge for managing and monitoring sub-project activities, implemented by local CSOs, which focus on the reconstruction of physical facilities and improving services as well as strengthening resilience in the aftermath of hurricane Irma.
- 1.2 The Project will be implemented by VNG International (VNGI) and consists of three components, (i) grants for reconstruction, service delivery and resilience, (ii) capacity building and technical assistance and (iii) project management, communication and coordination
- 1.3 The management, communication and coordination of the Project is on a day-to-day basis the responsibility of a Project Implementation Unit (PIU). The PIU, which will be based in Sint Maarten, will consist of the following six positions:
- Team Leader (TL)
 - Deputy Team Leader (DTL)
 - Grants Manager
 - Capacity Building and Training Manager
 - Local Financial and Control Specialist
 - Social and Environmental Specialist

The local team will receive distant support from VNG International (VNGI), more in particular through the following three positions:

- VNGI Senior Project Manager
- VNGI Junior Project Manager
- VNG Financial Administrator

The PIU can call in the services of external short-term consultants and an independent councillor in charge for handling Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) incidents.

An independent local auditor will ensure that all financial transactions made under the grant scheme, from which local CSOs benefit, will be in accordance with the rules and guidelines as stipulated in both the Grant Manual (GM) and the Operations Manual (OM) of the Project.

Annex 1 to this LMP visualizes the Project staff directly involved in managing and monitoring the Project. All PIU Project staff will be employed on a part-time basis.

- 1.4 The Project will finance small grants provided to local CSOs that will work with communities to generate sub-project proposals to implement activities focused on reconstruction, resilience and

¹ Hereafter called the Project.

service delivery. Sub-projects to be financed will constitute those requiring rehabilitation and be of small magnitude. The Project will not include any land acquisition nor displacement of populations. Sub-project applications will be submitted and grants awarded. Sub-project proposals will be screened against predetermined eligibility criteria described in the GM.

- 1.5 CSOs implementing sub-project activities are active in a wide range of community areas varying from cultural and environmental activities to social care and after school facilities and services. Also the size and professional status of organizations applying for a grant is far from being homogeneous. It is expected that the majority of the applicants will belong to the smaller category of organizations, both size-wise as well as experience-wise. The exact number of staff involved is at this stage of the process unknown as no sub-projects have been selected yet.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

- 2.1 To achieve quick visible results, in year one of Project implementation two simplified grant scheme cycles will be organized, the so-called 'quick win' application rounds based on an open call and ready for launching immediately following project approval. The 'quick win' rounds will enable CSOs in Sint Maarten to apply for funds for quickly achievable, one-off actions, which include relatively small requests for funds, that contribute to the goal of enabling CSOs to carry out delivering their services and thus contributing to the resilience of the island. Beyond year one, a second modality will become effective where CSOs will submit sub-project applications following a standard set of stages.
- 2.2 The Project will not finance major civil works nor new constructions. In addition, the project will not include any land acquisition or displacement of populations. The Project, being diverse in scope and size, may include some minor works activities such as rehabilitation, installation and clean-up operations. Activities will be on-site and implemented by CSO staff or small contractors and/or specialists hired by CSOs. Potential risks attached to the minor works planned vary from working without protective equipment to working with hazardous material. Mitigation actions to prevent activities from avoidable damage are included in section 6 of this LMP.

3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

- 3.1 The Department of Labor within the Ministry of Public Health, Social Development and Labor is charged with the tasks concerning labor and has the following responsibilities:
 - Formulating policy memorandums and recommendations and making proposals for the development, adjustment, monitoring and implementation of national policy concerning labor and the policy regarding safety and labor inspection;
 - Preparing, implementing and monitoring the national legislation concerning labor and monitoring compliance with this legislation;
 - Promoting international, social and labor affairs, such as the relationship with the International Labor Organization (ILO).

- 3.2 The Labor Affairs Agency is the executing division of the Department of Labor and they are tasked with monitoring compliance with the labor legislation and settling complaints resulting from the labor relations between employers and employees.
- 3.3 All staff employees operating under the Project will do this in line with the local labor legislation. Staff will also operate in line with the Code of Conduct (CoC) as stipulated by VNGI where security and safety measures as well as human resources development are regarded as top priority. The CoC is attached to this LMP as Annex 4. All CSO staff active under the current Project will become acquainted with the VNGI CoC during the Pre-Disbursement Training (PDT) session which precedes the start of CSO sub-project activities.
- 3.4 CSOs which do not operate in line with the CoC or ignore security and/or safety measures will receive an official warning in writing. Repeatedly ignoring security and/or safety instructions can ultimately result in termination of the grant agreement.
- 3.5 In case a Gender Based Violence (GBV) or a Sexual Exploitation and Abuse (SEA) incident occurs during sub-project implementation, the management of the respective CSO in charge for implementation of the sub-project will immediately be notified about the incident and is expected to take instant action. Failing to do so could result in termination of the grant agreement.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

- 4.3 The National Ordinance on Occupational Safety AB 2013 GT. No.438 is relevant to the Project. The main aim is to enhance the safety and health of laborers active under sub-project activities through the prevention of accidents and fire on the work floor and the promotion of a healthy and secure working environment (e.g. temperature, light, sound, furniture, ambient air, provision of drinking water). The employer is obliged to properly implement and maintain adherence to all regulations and directives. In case of violations, work may be stopped until problems are properly resolved. Any accident on the work floor must be reported immediately to the labor inspectorate.
- 4.4 The labor inspectorate within VSA is enforcing the stance of the International Labor Organization (ILO) in supporting the need for safe work for all. Occupational Health and Safety (OHS) involves the health and safety of everyone involved, not only the employees and the employers of a workplace but also the wider community and indirect stakeholders.
- 4.5 Every CSO implementing sub-project activities under the grant scheme has a legal obligation and responsibility with regards to OHS (National Ordinance on Occupational Safety AB 2013 GT. No.438), namely:
 - By keeping the workplace safe and healthy;
 - By preventing danger to happen;

- By taking reasonable precautions to ensure the safety and health of every person at the work site;
- By ensuring that all employees with special needs are given directions, notices, information and instructions by any method of communication.

4.6 Every CSO implementing sub-project activities under the grant scheme will conduct a risk assessment at the work site through the following steps:

- Identify at the work site possible hazards to safety and health for employees and visitors;
- Identify who could be harmed and what type of injury might occur;
- Assess the risk and identify and decide on OHS control measures;
- Nominate who within the operational team is responsible for taking control measures and indicate a timeframe;
- Develop an action plan to deal with the most important things first;
- Record and display the above findings and circulate among sub-project staff and employees implementing activities.
- Review systematically whether the risk assessment is still valid which helps to make sure that OHS standards are still practised.

4.7 CSO staff involved in sub-project implementation is obliged to participate in a PDT which precedes sub-project implementation. At the PDT, CSO staff will be made familiar with all technical, social and financial requirements of the grant scheme. Part of the requirements is that CSO staff is fully aware of all Environmental and Social (E&S) risk management instruments relevant under the scheme and commit themselves to act in accordance with these instruments in order to mitigate the environmental, social, health and safety risks to an absolute minimum. Each PDT participant will, by signing a statement at the end of the training session, commit him/herself to act in accordance with the WB E&S risk management instruments.

5. RESPONSIBLE STAFF

5.1 The CSO management is responsible for labor measures taken at sites where sub-project activities are implemented. The Project TL has overall responsibility for the labor management of all sub-projects.

5.2 CSO staff in their capacity will be responsible for providing labor instructions on safety and security in case external contractors will be hired to implement (part of) sub-project activities.

5.3 MA staff will be equally responsible for training and guiding CSO staff and make them familiar with labor procedures and guidelines before the start of sub-projects during the obligatory PDT.

- 5.4 Sub-project grant agreements will be prepared by the PIU (Grants Manager and Financial and Control Specialist) and final signature of the sub-project agreement is with the CSO management and PIU Project TL.

6. POLICIES AND PROCEDURES

The following policies are valid and measures taken.

- 6.1 An environmental and social rating of the Project has been made and a risk assessment done which rated the Project at moderate risk. All sub-project grant applications will be reviewed and screened for OHS measures taken. During the PDT preceding the actual sub-project implementation, CSO staff involved will be made familiar with the minimum regulations and guidelines that must be taken in order to guarantee a secure environment for project staff.
- 6.2 Once implementation of sub-project activities has started, the PIU will check at random the status of OHS measures taken (protective equipment), more in particular where this is related to minor works activities, by making site visits to places where actual sub-project activities are under implementation.
- 6.3 The PIU has drafted an Operations Manual (OM), which is a practical guideline for CSO staff involved in sub-project implementation and includes all necessary steps to be taken to mitigate OHS hazards during implementation of sub-project activities.
- 6.4 During the LBT, organized once a year for CSO staff involved in sub-project implementation, participants exchange experiences and lessons learned during sub-project implementation aiming to avoid duplication of incidents.
- 6.5 The Project has a moderate risk where it concerns GBV and SEA. In situations where a GBV or SEA complaint is submitted, the PIU will instantly engage an independent councilor who will, in the most discrete manner, treat the specific complaint.
- 6.6 The PIU and CSOs will immediately put sub-project activities on halt should there be an official announcement for natural disasters or other calamities
- 6.7 The PIU will collect every incident reported in a separate database and include these in the next quarterly report. Highly sensitive GBV and/or SEA incidents will be passed on immediately to the independent councilor for action.
- 6.8 The COVID-19 outbreak has resulted in drafting a set of procedures to make sure that the OHS of direct and indirect Project staff will be guaranteed. The following safety measures will be taken to stop the COVID-19 spreading from work:

- PIU staff will learn about the signs and symptoms of COVID-19. Instructions will be formulated about what to do if they become ill, or are exposed to someone who is sick.
- Any PIU staff member who feels ill will stay home to prevent spreading germs in the office. Watch for fever, cough, shortness of breath. In case one of these symptoms appear, a general practitioner will be contacted immediately, who will oblige a mandatory 14-day quarantine at home or at a special isolated place.
- Avoiding close contact is essential meaning that hand-shaking is out of the question. Social distancing is the new common standard².
- Minimum hygienic measures will be taken. For entering the local office of the PIU this means that hand cleaning with sanitizer is obligatory for everybody entering the building. Cleaning and disinfection of frequently touched surfaces (doorknobs, desks/tables, handrails) will be applied.
- PIU staff will work remotely from home. Until further notice physical group gatherings will be avoided. Essential meetings will be organized on-line.
- In case a physical group gathering with a limited number of persons³ is needed, every participant will wear a cloth face cover or mask to avoid spreading COVID-19 to others.
- All outreach activities to be organized under the Project will, for the time being, be organized on-line.

7. AGE OF EMPLOYMENT

- 7.1 The minimum age of employment under sub-project activities is eighteen (18) years. Any potential employee active for a CSO under a sub-project must be able to show at any time a Sint Maarten ID, a Dutch passport, or any other ID from their country of origin along with proof of residence and work permit as issued by the GoSM.
- 7.2 Sub-project activities will be implemented by local CSOs or contractors hired by these CSOs. During the PDT, which is obligatory for CSO staff and precedes the actual start of sub-project activities, CSO staff will have been made familiar with this regulation.

8. TERMS AND CONDITIONS

- 8.1 By operating under the Project, both PIU and CSO staff automatically endorse and accept the values and policies of VNGI, explained in the (CoC) attached separately to this LMP as Annex 4. The CoC will be explained in detail during the PDT and again during the Learning Benchmark Training (LBT) sessions. Not adhering to the CoC will result in an official warning. Repeatedly ignoring the CoC can ultimately result in termination of the grant agreement.

² A distance of 1,5 meter between two individuals is officially recommended.

³ Following the GoSM instructions on social distancing.

- 8.2 A staff employee who has a formal labor agreement with a CSO and who is actively involved in sub-project implementation, is covered by a social health insurance. Persons who do not have a formal work relation with the CSO but are involved in sub-project implementation as volunteer must prove that they have a social health insurance. In case they are not able to prove this, the respective CSO will be obliged to take out an accident insurance for these persons for the specific time period the person is involved in sub-project implementation.
- 8.3 In case minor works activities are outsourced to an external contractor, this contractor will guarantee that the workers he/she hires are insured by a health insurance and covered by a third party liability.

9. GRIEVANCE REDRESS MECHANISM

- 9.1 In case a sub-project stakeholder feels aggrieved by any action related to the sub-project or behavior of staff (misconduct or harassment), he/she is encouraged to report such an incident immediately to the direct supervisor of the stakeholder. The supervisor, in most cases the CSO project coordinator, will have consultations with both the harassed as well as the accused party and try to settle the incident in an amicable way if possible. In case the aggrieved party cannot accept the settlement, he/she is encouraged to submit an official complaint by completing the GRM tracking form as mentioned in 9.2.
- 9.2 VNGI has developed a Grievance Redress Mechanism (GRM) tracking form which meets the requirements of the Environmental and Social Framework (ESF). The GRM tracking form can be used by a stakeholder to express concerns and grievances. Annex 2 to this LMP includes the GRM tracking form template to be used by CSO staff to submit grievances experienced during sub-project implementation. A completed GRM tracking form will be submitted to the PIU for further treatment.
- 9.3 Complaints and appeals will be logged by the PIU. The TL will be responsible for ensuring that complaints are responded to and followed up on by the most appropriate party. The GRM is described in detail in the Stakeholder Engagement Plan (SEP). Contact details for filing complaints will be posted on relevant Project sites to start with the Website of the local partner in Sint Maarten and the VNGI website in the Netherlands and included in the OM. The PIU will receive and respond to complaints prior to and during Project implementation.
- 9.4 Extensive information on the use of the complaint tracking form, including the way to submit the complaint will be explained during the PDT and repeated multiple times during the LBT sessions. A visualization of complaint handling during Project implementation is presented in Annex 3.

- 9.5 In situations where PIU staff employees feel aggrieved and want to submit a complaint, they can make use of the WB Grievance Redress Service (GRS)⁴. The GRS is an independent complaints mechanism for people and communities who believe that they have been, or are likely to be, adversely affected by a WB financed project. On the website of the inspection panel detailed information on how to file a complaint is provided⁵.

10. CONTRACTOR MANAGEMENT

- 10.1 Under the Project a limited number of external short-term experts is envisaged to cover capacity strengthening training activities and external auditing (direct workers). Direct workers will operate in accordance with an official contract signed with either VNGI or the respective CSO in charge for implementing a sub-project. Labor management procedures for direct workers are in line with ESS2 and included in the Operations Manual (OM) of the Project. This includes information on child labor, the submission of grievances and OHS measures taken.
- 10.2 CSO sub-project activities may be implemented with the services of external contractors for specific activities which cannot be covered by CSO staff (contracted workers). Labor management procedures (LMP) for contracted workers are in line with ESS2 and directly communicated to the external contractors through the respective CSO. This includes information on child labor, the submission of grievances and OHS measures taken. The respective CSO is responsible to ascertain that external organizations who engage contracted workers are legitimate and have reliable LMPs. CCCSOs will monitor this during the lifetime of the sub-project.

11. COMMUNITY WORKERS

- 11.1 CSOs may use the services of community workers (on a cash or voluntary basis) for work implemented under a sub-project. CSO staff will be in charge for the mobilization of community workers and monitor their operations which are in accordance with ESS2. Community workers will not be used in minor works activities to prevent them from any OHS hazards. Community workers, contracted by CSOs for the implementation of sub-project activities, are obliged to follow the PDT session preceding the start of sub-project implementation in order to become fully familiar with all E&S safety procedures and regulations applicable under the Project.

12. PRIMARY SUPPLY WORKERS

N/A

⁴ <https://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>

⁵ www.inspectionpanel.org.

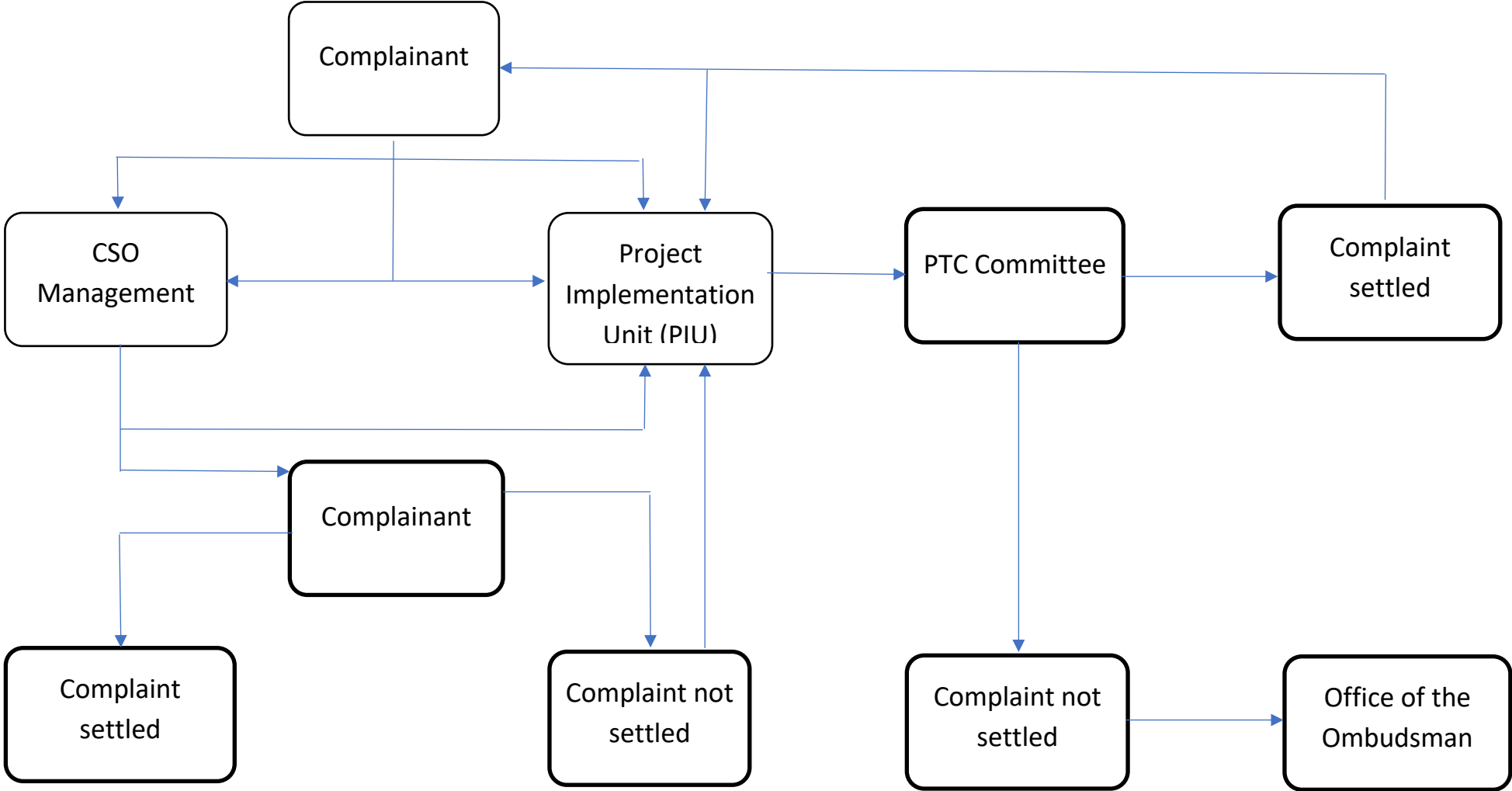
Annex 1 Project Organization Civil Society Partnership Facility for Resilience Project (CSPFRP)



Annex 2 Grievance Redress Mechanism (GRM - tracking form

Claim Number	Date Complaint Received	Name & Contact Person Making Complaint, unless anonymous	Description of Complaint	Actions Taken to Resolve Complaint	How was Complaint Resolved	Date Complaint Resolved	Outcome accepted/not accepted	Further information

Annex 3 Visualization of Complaint Handling under CSPFRP



Annex 4 Values and Policies of VNG International

VNG International is committed to strengthening democratic local government worldwide. With this mission in mind VNG International has formulated values and policies that determine the operation of our organization.

I – Code of Conduct

Wherever we operate we aim for the highest standards of performance and behavior in everything we do, according to certain principles that shall govern the conduct of every employee and expert of VNG International. See our 'Code of Conduct'. We are aware that statements on paper are not sufficient to avoid condemnable behavior so we see the Code of Conduct as an instrument which is only useful if we discuss the mentioned values when we are confronted with dilemma's in the daily practice of our work. The management will review annually our attention for the values expressed in the Code of Conduct.

II – Human Resources

Our employees and experts are central to everything we do. VNG International will invest in skills and talents of their employees through ongoing training and development.

III – Security and Safety

We take security and safety very seriously. That is why we have a well elaborated security and safety policy to protect our employees and experts around the world. See our 'Security and Safety Policy'.

IV – Sustainable Entrepreneurship

We want to contribute to sustainable growth. That is why we operate in a way that minimizes negative environmental impact and maximizes positive social impact.

Code of Conduct VNG International

1. We are dedicated to the concepts of effective and democratic local government as formulated in the "European Charter for Local Self-Government".
2. We affirm the relevance of the services rendered by democratic government and maintain a constructive, creative, and practical attitude to local government affairs and a deep sense of social responsibility.
3. We know that we are the ambassadors of VNG International. We are dedicated to the highest ideals of honour, integrity and trustworthiness in all public and personal relationships, which means amongst other things that the use of illegal drugs, excessive consumption of alcohol, sexual harassment and bribery are prohibited in all circumstances. We are fair and do not discriminate. In case we have indications of fraud or corruption by a partner or beneficiary organisation, we will report this to the VNG International project manager or line manager, in order to define the most appropriate response.
4. We strive to achieve the highest quality, effectiveness and integrity in both the process and the products of our professional work. We only accept an assignment if we are able to offer the know-how and qualifications to fulfil it. We are straight and clear in our accountability for the results and failures of our work. We are open for criticism and see that as a stimulus for improving the quality of work.

5. We acquire and maintain professional competence, share information with our colleagues, and accept and provide appropriate professional review.
6. We listen carefully to our clients, partners and contracting agents in order to be able to understand and address their real needs.
7. We know that we are doing our work on the request of our clients and for the benefit of the beneficiaries. We respect cultural values, sensitivities and national laws of the country in which we work. We stick to contracts, agreements, and assigned responsibilities.
8. We honour property rights including copyrights and patent and give proper credit for intellectual property. We honour confidentiality and we respect the privacy of others, also as required by the General Data Protection Regulation (GDPR) of the EU.
9. We are aware that we sometimes work under difficult or dangerous circumstances and we fully comply with the 'Security and Safety Policy' of VNG International.
10. We uphold and promote the principles of this Code.

When becoming aware of a possible violation of the VNG International Code of Conduct by staff or experts of the organization, people are strongly requested to report the matter to VNG International. Appropriate action will be taken. This may include involving a third party, as well as reporting to the authorities concerned and to the client of the project. In reporting the matter to VNG International people may choose to go on record as the complainant or report the matter on a confidential basis. Reports of violation can be sent to our **HR Business Partner, Ms. Anouk de Boer**: anouk.deboer@vng.nl, or tel. +31622961472.