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MAURITIUS: RODRIGUES AIRPORT PROJECT (P180266)

Labor Management Procedures

Final version

15/05/2023

Labor Management Procedures (LMP)

This Labor Management Procedures (LMP) shall be considered as a dynamic document. It will be continually edited and updated throughout the Project development, based on specific needs and issues arising over time. The Project Implementation Unit (PIU) that will be established to manage the project by Airports of Mauritius Co. Ltd (AML), has overall responsibility for implementation and updating as necessary of the LMP, supported by Airport of Rodrigues Limited (ARL). The PIU also is responsible for ensuring the Component 1 Construction Contractor (the Contractor) and other contractors or consultants selected for the Project follow the LMP requirements.

The current LMP will be updated and modified as necessary during project implementation as new activities and work arrangements are identified for Components 3 and 4.

1. Overview of labor required on the Project

During the construction phase, the Project is expected to require 400 workers, of which many will come from overseas. Indeed, Mauritius is already dependent on workers from Bangladesh and China, which implies that Rodrigues will likely depend on these as well. At this stage, it should be noted that the part of workers locally recruited is unclear and the RRA is not willing to set any specific target. Given the level of qualification and the limited workforce available in Rodrigues, local workers are likely to occupy most non-qualified jobs in the construction sector and maintenance activities.

The Project will require:

- Direct workers, notably to improve PIU capacity to manage the Project;
- Contracted workers, mostly for construction activities. In the construction sector, daily workers are commonly recruited in Rodrigues and Mauritius.
- Primary suppliers’ workers, mostly for construction activities. Similarly to the contractor, primary suppliers are likely to recruit daily workers.

During the operation phase, the Project is expected to require around 99 additional workers for Components 1 and 2, most of which will be direct workers whereas contracted workers will likely relate to cleaning operations. The staff required by the Project operation for these Components is expected to be distributed as follows:

Table 1: Expected workforce required for the Project operation

Department	Number of employees	Additional staff	Total
Airport operations	25	50	75
Planning and maintenance	20	20	40
Airport rescue and firefighting services	16	19	35
Finance and administration	10	10	20
Total	71	99	170

Note the above estimated workforce is for Component 1 and 2 focusing on the airport expansion and related Technical Assistance (TA). Additional direct and contract workers also may be needed for the recently-added Project Components 3 and 4, which involve TA, capacity building and small-scale works for water supply, food security and tourism development. This LMP will be updated early in project implementation once the scope of Component 3 and 4 activities have been determined, to identify any additional workers that will be needed for the overall project.

2. Assessment of key potential labor risks and impacts

According to available information, the construction activities entail the following:

- Demolition of dwellings, agricultural buildings, and fisheries buildings;
- Demolition and construction activities occurring near or in the ocean (e.g. barges)
- The construction of a workers' camp;
- Supply of construction materials;
- The construction of a desalination plant;
- The construction of asphalt and concrete batching plants;
- Construction waste, solid and liquid waste production and management

As a result, key labor risks and impacts are:

- **Influx of external workers:** the island does not count sufficiently numerous and qualified workers to supply the workforce;
- **Recruitment of local workers:** although the recruitment of local workers was not mentioned as a key expectation of Rodrigues inhabitants, it is expected that local workers with enough skills will be prioritized in the recruitment process and some members of the local community will want to work on the Project;
- **Lack of awareness on occupational health and safety requirements** such as the use of personal protective equipment (PPE) and safe workplace practices: complex operations will require the implementation of health and safety measures that workers and communities may not be aware of;
- **The conduct of hazardous work**, such as the use of heavy machinery, for demolition and construction activities;
- **Marine and Maritime Safety Risks of working in or near a marine environment**, such as drowning risk, and exposure to storm surges during work
- **Possible accidents** due to the use of rotating and moving equipment;
- **Risk of working in high temperatures**, especially during peak summer months (December, January, February) when temperatures average between 27-28°C, but can go as high as 34-38°C
- **Risk of exposure to asbestos in buildings to be demolished**
- **Use and storage of hazardous products;**
- **Waste production and storage;**
- **Gender-Based Violence and risks** for workers and community: the influx of migrant workers may create a risk of gender-based violence, sexual exploitation and abuse, or sexual harassment (GBV/SEA/SH);
- **Spread of sexually-transmitted diseases (STDs):** the influx of migrant male workers may induce sexual behaviors that favor the spread of sexually transmitted diseases;
- **Unequal pay for men and women workers**, in particular unskilled labors;
- **Discrimination against women and other vulnerable persons**
- **Other working conditions not in line with labor laws and/or ESS2.**

3. Labor legislation and applicable standards

This section sets out the relevant legal requirements regulating labor aspects of the Project. These consist mostly in the Mauritius' legal requirements and the World Bank Environmental and Social Standard (ESS) 2. In Mauritius, labor and occupational health and safety (OHS) are mainly regulated by:

- The Worker's Rights Act No. 20 of 2019;
- The Employment Relations Act No. 32 of 2008; and

- The Occupational Safety and Health Act No. 28 of 2005.

3.1. World Bank ESS 2: Labor and Working Conditions

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

A legal gap analysis of Mauritius labor law and regulation against World Bank ESS 2 suggests that Mauritius legal framework complies with International Labor Organization’s conventions and ESS 2 and is more stringent on several issues such as the minimum age to work. ESS 2 applies mostly on the requirement to ensure that primary supply workers are employed as per ESS 2. The table below provides a gap analysis of Mauritius legislation against World Bank ESS 2.

Table 2: Legal gap analysis of Mauritius labor requirements against World Bank ESS 2

ESS 2 requirements	Mauritius labor legal requirements	Gap identified	Recommended action
ESS 2 §9: The Project will develop and implement written 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 Workers’ Rights Act requires any employers who employ more than 10 people to maintain a register of workers, a record of remuneration paid, an inspection report book and other records as required for at least 3 years (§115 and §116).	No gap identified	Application of Mauritius’ law.
ESS 2 §11: Project workers will be paid on a regular basis as required by national law and labor management procedures. Project workers will be provided with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law and labor management procedures.	The Workers’ Rights Act provides that a standard working week consist of 45 hours, excluding time for meal and breaks. Workers should not be allowed to work for more than 12 hours per day and consecutive rest time shall be of at least 11 hours per day. Shift work of more than 8 hours per day and at night can occur only with the workers’ consent. Workers are entitled to 20 days of annual leave (§45), sick leave (§46), and maternity / paternity leave (§52 and §53)	No gap identified	Application of Mauritius’ law.
ESS 2 §13 and 15: Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment	The Workers’ Rights Act prohibit discrimination to any worker (§5). The Act also requires an equal remuneration for work of equal value. (§26). Additionally, Mauritius has adopted the Equal Opportunities Act No. 42 of 2008, which also prohibit discriminations in employment activities (§9 to §16).	No gap identified	Application of Mauritius’ law.

relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment

The Project will provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers and children

ESS 2 §16: In countries where national law recognizes workers' rights to form and to join workers' organizations of their choosing and to bargain collectively without interference, the project will be implemented in accordance with national law. In such circumstances, the role of legally established workers' organizations and legitimate workers' representatives will be respected,

The Employment Relations Act of 2009 considers that freedom of association is a basic right of workers (§29 to §32).

No gap identified Application of Mauritius' law.

ESS 2 §17: A child under 14 will not be employed or engaged in connection with the project. The labor management procedures will specify the minimum age for employment or engagement in connection with the project,

According to the Workers' Rights Act, child labor is prohibited. A child is considered as an individual younger than 16 years old, except when he or she helps his parents outside of school hours or on holidays. (Section 8).

Mauritius' law is more stringent than ESS 2. Application of the Mauritius' law.

This prohibition is also mentioned in the Child Protection Act

ESS 2 §18: The project shall not rely on forced labor, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty.

The Workers' Rights Act do not deal with forced labor. However, the Combatting of Trafficking in Persons Act of 2009 considers forced labor as a form of exploitation that is prohibited in Mauritius law and considered as a criminal offense.

No gap identified Application of Mauritius' law.

ESS 2 §17: A grievance mechanism will be provided for all direct workers and contracted workers¹⁶ (and, where relevant, their

§120 of the Workers' Rights Act provides that any worker may make a complaint to the supervising officer against his employer. This procedure allows the officer to make an

No gap identified Application of Mauritius' law.

<p>organizations) to raise workplace concerns.</p>	<p>enquiry and may refer to a Commission for conciliation or mediation.</p>	
	<p>Additionally, the Employment Relations Act gives the possibility to resort to arbitration prior appealing to court (§63 to §75).</p>	
	<p>It should be noted that the §99 of the Employment Relations Act provides for the establishment of Rodrigues Commission for Conciliation and Mediation to deal with labor disputes.</p>	
<p>ESS 2 §24: Measures relating to occupational health and safety will be applied to the Project. The OHS measures will include ESS 2 requirements, and will take into account the General EHSGs and, as appropriate, the industry-specific EHSGs and other GIIP.</p>	<p>Mauritius has adopted the Occupation Safety and Health Act No. 28 of 2005. This Act provides general requirements and duties for the employers such as risk assessment, provision of protective equipment, information, training, establishment of OHS committees...</p> <p>The Act also provides technical requirements on health and welfare such as cleanliness of buildings, ventilation, lighting, supply of drinking water, safety of machinery.</p> <p>Other technical requirements relate to health monitoring and recording, notification of occupational diseases and accidents.</p>	<p>No gap identified Application of Mauritius' law.</p>
<p>ESS 2 §39 and 40: As part of the environmental and social assessment, the Project will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers. In such case, the Borrower will require the primary supplier to identify those risks.</p>	<p>Mauritius law does not require a company to undertake due diligence in relation to child labor or forced labor within its subcontractors or suppliers.</p>	<p>Significant gap identified between ESS 2 and the domestic legal framework. Apply ESS 2 recommendations</p>

3.2. ESS 4: Community Health and Safety

ESS 4 Community Health and Safety addresses potential risks and impacts to communities that may be affected by project activities, including important aspects related to the project workforce and their interaction with nearby communities. Appropriate and proportional measures should be put in place as needed by the PIU, to address Community Health and Safety risks and impacts such as:

- Health and safety risks posed to communities by the influx of workers or people providing support services into an area as a result of the project, including transmission of communicable diseases,
- Project infrastructure and equipment design and safety issues that could affect community members
- Inadequate safety of services provided to the community by project workers
- Traffic and road safety issues where project workers and communities intersect or share common transportation corridors
- Project impacts to ecosystem services which may result in adverse health and safety risks or impacts to communities
- Lack of adequate management and safety procedures for hazardous materials
- Lack of emergency preparedness and response measures and plans

3.3. ILO Conventions with potential applicability to the project

Mauritius has ratified 54 ILO conventions, of which 39 are in force including the ten fundamental ILO Conventions:

C029 - Forced Labour Convention, 1930 (No. 29)

C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

C100 - Equal Remuneration Convention, 1951 (No. 100)

C105 - Abolition of Forced Labour Convention, 1957 (No. 105)

C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

C138 - Minimum Age Convention, 1973 (No. 138) - Minimum age specified: 15 years

C155 - Occupational Safety and Health Convention, 1981 (No. 155)

C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Other key ILO Conventions in force in Mauritius include those on Unemployment, Workers' Compensation, Right of Association, Collective Bargaining, Vocational Rehabilitation and Employment for Disabled Workers, Maternity Leave, Dock Work, Maritime Labor, Migration for Employment, and Violence and Harassment.

3.4. Mauritius Labor Laws : Terms and conditions

The Workers' Rights Act requires any employers who employ more than 10 people to maintain a register of workers, a record of remuneration paid, an inspection report book and other records as required for at least 3 years (§115 and §116).

■ Working time, rests and leave, compensation

According to the Workers' Rights Act, a standard working week consists of 45 hours of effective work, excluding time for meal and breaks within 5 or 6 worked days. Workers should not be allowed to work for more than 12 hours per day and consecutive rest time shall be of at least 11 hours per day.

Shift work of more than 8 hours per day and at night can occur only with the workers' consent.

Workers are entitled to 20 days of annual leave (§45), sick leave (§46), and maternity / paternity leave (§52 and §53).

In Mauritius, the minimum wage is defined by Government Notice on a yearly basis. In 2023, the minimum wage is defined at MRU 12075 per month. Workers are entitled to receive their remuneration in monthly intervals

When a worker works during a public holiday, the employer shall provide a remuneration of at least twice than the normal rate during normal working hours, and at least 3 times more than normal rate after normal working hours.

■ Prohibition of discrimination and fundamental rights

In Mauritius, discrimination at the workplace is prohibited. The Workers' Rights Act prohibit discrimination to any worker (§5). The Act also requires an equal remuneration for work of equal value. (§26).

Additionally, Mauritius has adopted the Equal Opportunities Act No. 42 of 2008, which also prohibit discriminations in employment activities (§9 to §16).

The Employment Relations Act of 2009 considers that freedom of association is a basic right of workers (§29 to §32).

■ Prohibition of child and forced labor

According to the Workers' Rights Act, child labor is prohibited. A child is considered as an individual younger than 16 years old. This prohibition is not applicable when the child helps his parents outside of school hours or on holidays. (Section 8). This prohibition is also mentioned in the Child Protection Act

The Workers' Rights Act do not deal with forced labor. However, the Combatting of Trafficking in Persons Act of 2009 considers forced labor as a form of exploitation that is prohibited in Mauritius law and considered as a criminal offense.

The Workers' Rights Act also defines the category of "young person", who are workers aged from 16 to 18 years old. Specific rules apply to this category such as the prohibition of dangerous work and the prohibition to work between 10:00PM and 5:00AM. Moreover, the Act requires employers to keep a registry of young workers.

■ Dispute management

Mauritius' labor legislation provides with procedures to manage work-related disputes. §120 of the Workers' Rights Act provides that any worker may make a complaint to the supervising officer against his employer. This procedure allows the officer to make an enquiry and may refer to a Commission for conciliation or mediation.

Additionally, the Employment Relations Act gives the possibility to resort to arbitration prior appealing to court (§63 to §75).

In Rodrigues, a Commission for Conciliation and Mediation was created by the Workers' Rights Act to deal with labor disputes.

■ Right to Assembly

The Mauritius Constitution explicitly protects the right of workers to associate in trade unions. As per the Industrial Relations Act, every employee has the right to join or refuse to join a trade union. Mauritius also ratified ILO Convention No. 87 on Freedom of Association, guaranteeing the right to form and join the trade union of one's choosing as well as the right of unions to operate freely and carry out their activities without undue interference.

3.5. Occupational Health and Safety

Mauritius has adopted the Occupational Safety and Health Act No. 28 of 2005. This Act provides general requirements and duties for the employers. More particularly, the employers are required to:

- Undertake a risk assessment within 30 days of the start of operation on any risk related to the safety and health to which employees or nonemployee may be exposed in the course of operations taking place in the Project area;
- Provide suitable and appropriate PPE and clothing;
- Provide information, instruction, training and supervision as is necessary to ensure the safety and health at work of his employees;
- Inform workers from outside the undertaking of the risks for health and safety;
- Establish a procedure to deal with serious and imminent dangers and ensure that a sufficient number of competent persons are able to implement those procedures;

- Establish a Safety and Health Committee that will promote cooperation between employees, suggest improvement on safety, health and welfare, discuss occupational accidents and near misses;
- Establish and maintain a record of risk assessments and health surveillance.

The Act also provides technical requirements from the employers on health and welfare, such as:

- Ensure the cleanliness of every place, free from effluvia from drain or sanitary convenience;
- Ensure that the workplace is not overcrowded;
- Ensure that the workplace is provided with sufficient ventilation and lightning;
- Provide sanitary convenience with sufficient lighting and ventilation, and sensitive to gender specifics;
- Provide basic conditions such as supply of drinking water, washing facilities and accommodation for clothing;
- Undertake training, fencing, and other safety measures in relation to the use of machinery;
- Keep records of training on the use of dangerous machines, of chain and rope maintenance, of engineering controls, of health surveillance, of accidents and dangerous occurrences, and of occupational diseases.

4. Roles and responsibilities

The AML will be responsible for:

- The approval and management of these Labor Management Procedures (LMP), which will be used by the PIU and all contractors
- The engagement of the Project's staffing, including Human Resources (HR) Department, Health and Safety (HS) Department in the Project Implementation Unit (PIU), potential Consultants and Contractor;
- Ensuring sufficient staffing able to manage migrant workers in a large scale, which includes training, signalization, communication and other activities in languages adapted to the diversity of expected workers, notably during the construction phase. Workers are currently expected to come from China and Bangladesh;
- The overall management of the staff, potential Consultant's staff and the Contractor.

The HR Manager and HS Manager within AML's PIU are responsible for all labor relations of the Project staff, including:

- Ensure Project compliance with the Project Standards and other requirements set out in this LMP.
- The development of the Project's OHS Management Plan
- Ensure that the HS requirements are known, implemented and revised as necessary;
- Overall responsibility for this LMP's scope and implementation.
- Addressing worker grievances. All grievances received either by the contractors or sent by contractor employees and other project workers directly to the PIU will be centralized and processed by the PIU.
- Development, monitoring and revision of this LMP.
- Reporting to government and other bodies on compliance with commitments and on other occasions as required by legislation.

Contractor (or its HS specialist) is responsible for:

- Responsible for the application of the these current Labor Management Procedure, HR procedures and standards and OHS Management Plan in their own work teams;
- Responsible for performance assessments fitness for work and training of workforce;
- Responsible for the training of the workers;
- Report on this LMP implementation;

- Regulatory compliance related to recruitment, employment and training;
- Maintaining HR records;
- Processing HR transactions.

All workers are responsible for :

- Being familiar with and adhering to Labor Management Procedures through induction and other company provided training and communications.

5. Policies and procedures

5.1. Key management principles

The PIU is committed to ensure compliance of its own operations and those of the Contractor and subcontractors working at the Project with the provision of the following:

- Mauritius labor legislation and regulations ;
- International Labor Organization (ILO) Conventions ratified by Mauritius;
- World Bank Environmental and Social Standards 2 and 4.

The Contractor will set specific policies intended to maximize beneficial impacts of the Project and to minimize or mitigate its potential adverse impacts:

- A transparent and equal hiring policy that may prioritize local residents for employment, thus maximizing socio-economic benefits in communities closest to operations;
- Ensuring that working conditions are in line with ESS2 and local laws;
- Information and training on this Labor Management Procedures and HS procedures and requirements;
- Sound policy for external workers' accommodation;
- Specific anti-discrimination policies and complaint management procedures.

Key management measures are presented in the following section.

5.2. Key management measures

■ Identifying Labor Needs

Timely and systematic forecasting of workforce requirements allows to identify and find suitable local/regional candidates for all unskilled, semi-skilled and skilled positions both for the construction stage and for the operation stage. These requirements will be integrated in the tender documentation, and, if possible, enhanced by the selected Contractor. As of 11 April 2023, no data regarding the suitable local workforce is available. During key informant interview with officers from the Commission on Tourism and Labor, it was made clear that no minimum threshold would be imposed on the Contractor. This assessment must involve the Labor Office, which has a solid overview of available workers in Rodrigues and their qualifications.

■ Local Employment

In the process of employee selection, the Project will give due consideration to workers from the local community. However, opportunities for direct employment will be constrained by the availability of appropriate skills. Taking into consideration the skills limitation within the affected area, the focus of the employment strategy will be employment of the unskilled and semi-skilled workforce if necessary. For this purpose, the following measures will be implemented:

- Set up a recruitment program for local labor as a matter of priority, with equal skills.
- Set up a transparent recruitment procedure of local labor force, notably through a communication plan and an information campaign on real job opportunities. As per the practice in Rodrigues, employment opportunities will be disseminated through at least 2 local media. Additionally, the Comités Villageois can disseminate the information as well;

- Involve the RRA and the Labor Office in the execution of an information program on the jobs available, the recruitment process and priority given to the local communities. Labor Office involvement is particularly important to ensure that local resident selected for an interview are provided with a real chance to obtain the job since it happens that there is no verification on whether the interview took place.
- Contractor will be required to have provisions to prioritize hiring of people from communities impacted by the project, especially including those whose livelihoods have been affected by the project.

■ **Recruitment Procedure**

The Contractor will design a recruitment procedure that is fair and transparent. Besides the recruitment of local workers as explained in the section above, the recruitment procedure will ensure equal opportunity: discrimination in relation to recruitment and employment on the grounds of race, gender, age, disability, sexual orientation, or religious or political beliefs is not permitted under any circumstances.

The Recruitment Procedure will consider at least the following principles:

- Establish positive discriminatory measures that will promote the employment of women on the construction site beyond jobs usually attributed to them when possible.
- Establish positive discriminatory measures that will encourage the recruitment of people with disabilities for jobs that are suited to their abilities.
- Check the candidates’ age to avoid child labor.

■ **Labor force management**

This Labor Management Procedures requires the Contractor to ensure that the workplace is free from discrimination and harassment. This Policy also seeks to avoid inappropriate behavior from workforce toward local communities. Implementation measures include training/awareness raising sessions, disciplinary sanctions and regular controls. The following measures must be implemented:

- Maintain workforce register with key information, notably gender, age and potential disability.
- Provide infrastructure dedicated to women and disabled workers (toilets, bathrooms, etc.) when/if women and/or disabled workers are employed on site.
- Set up and implement program to raise awareness among workers of the risks of contamination by STDs and human immunodeficiency virus (HIV)/Aids through an NGO with expertise in the field.
- Raise workers' awareness on gender equality, discrimination against women and prevention of gender-based violence, sexual exploitation and abuse (SEA) and sexual exploitation., including signature of workers’ SEA/SH code of conduct.
- Raise awareness among workers on the rights of vulnerable persons.
- Condemn any form of discrimination against vulnerable persons by site workers and plan disciplinary measures for offenders.
- Conduct regular controls to ensure no children under 16 are employed on the construction site.
- Ensure that a Code of Conduct for workers is on place and disseminated to workers. The Code of Conduct should include guidelines on how to engage with communities

■ **Unions and Workers Representation**

The PIU and the Contractor commit to work in good faith with trade unions and any other bodies that employees collectively choose for their formal representation.

The Contractor will implement, at minimum, the following:

- The Project will not seek to prevent by any means whatsoever the formation of trade unions or any other legally established worker groups;
- The PIU and the Contractor will comply with Mauritius law concerning relations with labor organizations and workers representatives;
- In the case of a strike, ensure that the HS Manager, subcontractors and other parties are informed promptly so that appropriate engagement and action can be carried out;

- In the event of a strike, engage with designated labor/worker representatives to resolve issues;
- If necessary, the relevant requirements provided by labor legislation will be applied.

■ **External workers’ accommodation**

Given the limited population on Rodrigues and the fact that it is an island, the Project will necessarily require external workforce. The Project activities include the construction of a workforce camp. Therefore, The PIU and the Contractor will provide and manage the accommodation according to the following principles:

- National and local construction standards will be respected, notably for the quality of materials, fire safety, electricity, plumbing, water and sanitation;
- Ensure good standards in living facilities, including air conditioning, ventilation and light, access to drinkable water, management of wastewater and solid waste;
- Room and dormitory facilities will be of an adequate size;
- Provide sanitary and toilet facilities in sufficient number and outside of the rooms and dormitory facilities so that workers maintain a good standard of personal hygiene and prevent the spread of diseases;
- Canteen, laundry and cooking facilities will be available;
- Consider good standards for nutrition and food safety;
- Include medical facilities, leisure, social and telecommunication facilities;
- Maintain all facilities and ensure cleanliness
- Detail these standards in collaboration with relevant Commissions within the RRA.

Further guidance is available in ESS2 Guidance Note for Borrowers, and IFC and EBRD’s documentation named “Workers’ accommodation: processes and standards”, published in 2009.

5.3. Occupational Health and Safety

AML, through the PIU’s Health and Safety Manager, will establish an Occupational Health and Safety (OHS) Management Plan. The Contractor will establish an OHS Management Plan that meets Mauritius OHS legislation, World Bank Environmental, Health and Safety General Guidelines and Environmental, Health, and Safety Guidelines for Airports. This section provides basic principles to be considered in the AML PIU’s and the Contractor’s OHS Management Plan.

■ **Right to stop to work**

Workers should have the right to refuse or to stop work that they believe is unsafe without being considered a violation of labor discipline if:

- A situation places them, their co-worker(s), or the public in danger another worker.
- A situation could result in a release to the environment above regulatory requirements or approvals.
- It is required to clarify work instructions or to propose additional controls.

In such case, the following steps apply:

- 1 Worker considers work unsafe.
- 2 Worker shall ensure the work/activity is left or placed in a safe condition and he/she stays in safe place. Worker immediately reports refusal to his/her supervisor.
- 3 The Contractor HS Team investigates the issue and should seek mutual agreement with the worker to resume the work after corrective measures are proposed and implemented.
- 4 Appropriate monitoring and documentation of the situation should be put in place.

Despite this procedure, if the worker does not feel its fears have been addressed, the situation shall be reported to the Contractor HS manager and additional corrective measures should be implemented.

Stop work issued shall be reviewed by the HS Manager to verify the quality of the intervention, ensure corrective actions are met and lesson learnt propagated.

Further guidance is available in ESS2 Guidance Note for Borrowers, and Section 2 of the General Environmental Health and Safety Guidelines (EHSGs) on Occupational Health and Safety.

■ Risk assessment

The OHS Management plan requires job safety analysis to identify specific potential occupational hazards and industrial hygiene surveys, as appropriate, to monitor and verify chemical exposure levels, and compare with applicable occupational exposure standards.

To protect all personnel from risks to their health, safety and welfare, the Contractor and subcontractors shall adopt a risk management approach to ensure that, for any identified hazards, appropriate control measures are in place. The risk management involves the conduct of risk assessment of work activities, control and monitoring of the risks, and communication of the risks to all stakeholders. AML Project Manager, the Contractor's HS Manager and its subcontractors shall undertake risk assessment for all activities where there is the potential for harm including before activities commence, before the introduction of new equipment, procedures or processes, and when equipment, procedures or processes are modified.

The risk assessment process generally comprises the following steps:

- 1 **Identifying hazards:** all situations and events that could cause injury or illness by examining a work area/task for the purpose of identifying all threats which are 'inherent in the job', or that could cause significant impacts to the environment and surrounding communities shall be identified. This process should consider workers' experience and skills as assessed during the recruitment process.
- 2 **Assessing the risk:** probability of a worker, the environment and surrounding communities could be harmed or affected, and the magnitude of the risk should be assessed.
- 3 **Risk management:** the team should determine appropriate mitigation or risk control measures.
- 4 **Review the mitigation measures and controls:** regular monitoring and adjustment of measures and controls should ensure their effectiveness.

■ Security access

The Contractor will take appropriate measures to prevent the worksite from unauthorised access and avoid injuries, which include:

- Install barricades, security houses and surveillance security systems shall be installed at site entrances, worker accommodations, the office and laydown areas.
- Clear entry and exit path.
- Securitization and signalization of working sites, including of excavation areas.
- Organize awareness campaigns in villages in the study area on hygiene measures to be respected.
- Install visible signage, especially warning signs and notices at site entrance and around the worksite to inform personnel and members of the public about particular issues.
- Workers and visitors entering the worksite shall carry identification badges, and workers and visitors' logs shall be maintained.
- Regulated and limited access to the worksite at specific period during the day only (i.e., working hours).
- Dedicated paths and tracks for pedestrians and vehicles.
- Ensure unobstructed, unrestricted, and ready access to equipment and installations requiring servicing, inspection, and/or cleaning.
- Install hand, knee and foot railings shall be installed on stairs, fixed ladders, platforms, permanent and interim floor openings, loading bays, ramps.

■ Adequate welfare facilities

The selected Contractor and subcontractors shall ensure that workers working on the worksite have access to:

- Toilets and washing facilities for male and female employees, with adequate supplies of water, soap and single use towel.
- Drinking water (at least 1.5 liters/person/shift), that meet relevant regulations on water quality.
- First aid facilities;
- Changing rooms for male and female employees;
- Designated areas for rest and meals where workers are not exposed to the hazardous or noxious substances; and
- Storage for PPE and personal belongings.

The number of lavatory facilities and changing room will be determined based on the number of workers evolving on the site.

■ Construction site enlightening

The Contractor and subcontractors should ensure sufficient illumination of the work site by:

- Maximizing natural lights;
- Supplying sufficient artificial light;
- Prohibiting to work in situations of insufficient lightning;
- Using energy efficient light sources;
- Determining appropriate light intensity in various construction sites.

■ Medical care and first aid

The Contractor and subcontractors shall provide first aid on the worksite that comply with the following minimum requirements:

- Ensure the presence of at least one medical staff (a nurse or a doctor) at the worksite to provide prompt medical assistance;
- Define an adequate number of medical staff, depending on the overall number of workers on the Project site (a suggestion is one medical staff every 25 workers);
- Ensure easy access to nearby hospital or medical center by vehicle;
- Ensure that a sufficient number of first-aid kits are available on the worksite, placed in common areas that are well known, accessible highlighted as such;
- Information on the number of first aid kits and supplies, first aid room and first aiders and where to find/summon them shall be communicated to all personnel during the induction training, and reminders shall be issued during refreshers;
- Emergency supplies, first aid boxes and the number of first aiders shall be weekly checked and maintained to ensure that they are ready for use.

■ Information and training

This LMP requires the training of staff working on the Project site, as well as appropriate display of key information.

The following information should be displayed in each of the Project's components, in well-known, visible, and appropriate places:

- Emergency contacts numbers.
- Emergency Evacuation Plan.
- Location of first aid kits and first aid room.
- Site safety rules and lifesaving rules.
- The Project's OSH Management Plan.
- Accident/Incident Notification details.
- Good personal hygiene practice
- SEA/SH Prevention and Response.

Each recruited worker will follow a training on HS rules and principles during its induction. Refreshers will be organized every 6 months. These trainings will prepare workers to recognize and respond to workplace chemical hazards, accidents and emergency situations. Trainings should include aspects of hazard identification, safe operating and materials handling procedures, safe work practices, basic emergency procedures, and special hazards unique to their jobs. Training should incorporate information from Material Safety Data Sheets (MSDSs) for hazardous materials being handled. MSDSs should be readily accessible to employees in their local language.

■ **Specific requirements**

The Contractor will define specific technical requirements based on the Projects’ operations. These can relate to:

- The provision of suitable PPE such as footwear, masks, protective clothing and goggles in appropriate area;
- The verification of permits to work;
- Electrical safety;
- Hot works;
- Lifting operations;
- Excavations;
- Manual handling;
- Equipment;
- Noise and vibration; and
- Dust.

Other requirements will be defined based on construction activities that will take place.

5.4. Preventing and managing Gender-Based Violence, Sexual Exploitation and Abuse and Sexual Harassment

In accordance with World Bank ESS 2 requirements, the PIU and the Contractor will implement specific measures to identify, prevent, and manage gender-based violence issues that may take place within the Project’s activities.

■ **GBV definition**

Gender Based Violence (GBV) is an umbrella term that refers to any harmful act that is perpetrated against a person’s will and that is based on socially-ascribed gender differences, such as acts that inflict physical, mental, sexual harm or suffering; threats of such acts; and coercion and other deprivations of liberty, whether occurring in public or in private life. These issues may take place because of labor influx induced by the Project.

Particularly relevant to the Project are acts of Sexual Exploitation and Abuse (SEA) as well as Sexual Harassment (SH). According to World Bank’s Good Practice Note on Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works, these are defined as follows:

- Sexual Exploitation is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Any sexual exploitation of a minor is also sexual abuse;
- Sexual Abuse is defined as actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions; and
- Sexual Harassment refers to any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

■ GBV risk assessment

The PIU will undertake a risk assessment regarding GBV, to be completed prior to the start of project works and included in the project's SEA/SH Action Plan. This assessment will consider the following factors:

- **Societal factors:** these include pre-existing levels of gender-based violence, limited protection for women and girls in policy and legal framework, limited capacity within police, health and judicial agencies in managing GBV issues;
- **Community-related factors:** these refer notably to the community's capacity to absorb large influx of external workers, lack of access to health services, lack of awareness and information on how to report GBV, gender-based inequalities in communities' decision-making processes, tolerance to violence, harassment and harsh punishment;
- **Profile of Project workers:** such as foreign workers, lack of sanctions for inappropriate behavior from employer, increase in income which enables transactional sex or imbalances power between workers and communities;
- **Household-related factors:** unequal decision making within the household, wide-spread use of alcohol, extreme poverty level and vulnerability of households, stereotyped gender roles and expectations;
- **Individual factors:** belong to vulnerable groups (age, disability, gender, sexual orientation, racial minority).

The risk assessment may include the following activities:

- Identification and assessment of SEA/SH risk and response capacity within the Project, communities, and local authorities;
- Undertake social risk assessment of community-level risks.
- Assess capacity and availability of quality, safe and ethical services for victims of GBV;
- Rate project for overall risk using several Bank tools including the SEA/SH Risk Assessment Tool.
- Establish procedures to review and update risk assessments during project implementation.

■ GBV risk management

The GBV risk management activities, which will be further defined in the Project's SEA/SH Action Plan, and relevant modifications made to this LMP during implementation, may include the following but not necessarily limited to:

- The inclusion of specific GBV management requirements in bidding documents for the selection of the contractor;
- The exclusion of bidders with poor record in managing GBV issues;
- Evaluation of bidders' submitted documentation, such as code of conduct;
- Training of staff, contractors, sub-contractors workers on identifying, assessing, and managing GBV risks and occurrences;
- A code of conduct for all project workers on SEA/SH awareness, prevention and reporting shall be in place and signed by all workers prior to the start of any project works.
- Other actions required by Contractors to manage SEA/SH risks among their employees and those of their subcontractors, including locally-hired Rodrigues workers and those that come from Mauritius Island or outside the country.
- Establish a grievance management mechanism with specific channels adapted to both women and men, which will allow individuals to register a complaint in a safe and confidential manner. This measure should decrease the risks of stigmatization, rejection and reprisals against victims;
- Monitoring and reporting on the Project GBV performance, which includes specific indicators such as the number of training courses related to SEA/SH delivered, the number of GBV complaints registered and verified.
- Other SEA/SH-related requirements or actions pertaining to Project workers as outlined in the project's SEA/SH Risk Assessment and Action Plan, including, where required, the recruitment

of relevant PIU and contractor staff, maintaining a list of SEA/SH service providers and undertaking awareness raising on SEA/SH among workers and in the community

6. Age of Employment

The minimum age for employment on the Project is 16 years, as per Mauritius' Workers' Rights Act of 2019. This requirement applies to all project workers, including direct workers (AML and PIU workers), contracted workers (the construction contractor) and primary supply workers (sub-contractors).

The Contractor will not employ young persons, i.e. between 16 and 18 years old, on dangerous works activities or on works that jeopardize their education, and between 10:00PM and 05:00AM.

The Contractor will check the age of project workers based on Government issued identity cards or passports.

If underage workers are found working on the Project, the PIU will provide immediate notification to the Contractor and labor office and instruct immediate termination of the worker by the Contractor.

7. Terms and conditions

Terms and conditions of employment must align with principles set in the World Bank ESS 2 and with Mauritius legislation.

■ Non discrimination

The PIU and the Contractor will not tolerate discrimination on any ground during recruitment and on the workplace;

The Contractor will ensure that the remuneration of a worker will not be less favorable than the remuneration of another worker performing work of equal value because of considerations for age, race, colour, caste, creed, sex, sexual orientation, gender, HIV status, impairment, marital or family status, pregnancy, religion, political opinion, place of origin, national or social origin.

■ Working hours

This section describes basic working hours arrangements by the Contractor and subcontractors for the Project:

- Full-time workers will work 45 hours per week, spread within 5 or 6 days;
- No worker will work more than 12 hours a day, except in special circumstances;
- Workers will be entitled to at least 1 day of rest in a period of 7 consecutive days worked, and 11 consecutive hours in a day;
- Workers younger than 18 years old will not be employed during night shift (between 10:00 pm and 5:00 am);
- The workers' consent will be required for shift work of more than 8 hours a day.

■ Remuneration

The Contractor and subcontractors must pay remuneration to a worker at monthly intervals, unless the parties agree to payment at shorter intervals.

The Contractor and subcontractors must pay remuneration directly to every worker – during working hours at the place of work, when paid in legal tender or by cheque. The payment will be provided with a payslip in the form prescribed by the Workers' Rights Act.

The Contractor and subcontractors will pay to a part-time worker not less than the basic wage or salary prescribed in any enactment or specified in a collective agreement, and not less than the basic wage or salary of a comparable full-time worker, calculated proportionately on the notional hourly rate and increased by not less than 5 per cent.

■ Termination of agreement

Parties to a work agreement may terminate the agreement on the expiry of a notice to the other party no less than 30 days in advance, verbally or written. The employer will explain the reason for terminating the contract.

An agreement cannot be terminated based on a workers' race, gender, HIV status, orientation, or other factors irrelevant to occupational duties, or absence because of sickness or maternity leave.

The Contractor or subcontractors may, in lieu of giving notice of termination of agreement, pay to the worker the amount of remuneration the worker would have earned had he remained in employment during the period of notice.

The Contractor or subcontractors will, during the period when a worker is under notice of termination of agreement under subsections (1) and (4), allow, on satisfactory proof of the purpose of the request, the worker reasonable time off, without loss of pay, to seek further employment.

■ Violence at work

The Contractor and subcontractors will not tolerate sexual and professional harassment, assault, verbal abuse, insult or humiliating behavior, bullying and threatening toward a worker, including any person undergoing training under any training scheme, in the course of or as a result of his work or training.

The Contractor will be vicariously liable for violence at work committed by a worker and any third party where the Contractor knew or should have known of the situation and failed to take preventive action. The Contractor is therefore expected to adopt relevant measures to prevent the occurrence of repetition of such violence.

■ Workfare Program Fund

In accordance with the Workers' Rights Act, the Contractor will, in respect of a worker in his employment, pay to the supervising officer of the Ministry responsible for the subject of social security a contribution to be paid into the Workfare Programme Fund in accordance with the rate specified in the Seventh Schedule of the Workers' Rights Act.

Moreover, at the time of payment of the basic wage or salary to a worker for any period, a sum representing one per cent of the basic wage or salary will be deducted and paid over to the supervising officer of the Ministry responsible for the subject of social security for credit into the National Savings Fund.

■ Standardized content of labor contracts

The labor contract shall be provided to workers in writing and shall have the following provisions:

- The term of the labor contract;
- Work content;
- Labor protection and working conditions;
- Remuneration for labor;
- Labor discipline;
- Conditions for termination of the labor contract;
- Responsibility for breach of labor contract;
- Individual Staff Code of Conduct;
- Grievance Redress Mechanism.

8. Grievance Redress Mechanism (GRM)

The Project includes a Grievance Management Mechanism, as detailed in the Stakeholder Engagement Plan.. The Grievance Management Mechanism is critical to allow all the key users and stakeholders of the airport, including communities, to send their complaints and/or concerns regarding the Project construction and operation. This includes issues related to resettlement, environmental and social impacts, as well as community health and safety.

However, as required by ESS 2, a dedicated workers GRM shall be set up to manage labor and occupational health and safety grievances registered by the Project's direct workers, as well as contracted workers, including procedures for dealing with SEA/SH grievances. As noted in Section 5.4, a code of conduct for Project workers on SEA/SH awareness, prevention and reporting shall be in place and signed by all workers prior to the start of any project works.

■ Principles

Regarding labor management more particularly, a specific GRM will be established to deal with:

- Complaints from the Contractor's employees about their working contract or conditions.
- Complaints from employees of suppliers, subcontractors and service providers and contracted workers relating to their contract or working conditions; and
- Complaints from local residents regarding recruitment procedures.
- Complaints from project workers or local residents concerning SEA/SH incidents or actions involving project workers

Indeed, the working conditions of employees and subcontractors are important concerns according to international financing institutions' standards. These working conditions may be subject to internal or external audits (internal audit conducted by the HR and HS Department or external audit conducted by the GoR or Mauritius labor administration).

The GRM will respect the following principles:

- Independence and objectivity;
- Accessibility, notably for direct and contracted workers;
- Inclusive, notably in relation to migrant and female workers;
- Efficiency, to ensure a fast response to complaints lodged; and
- Predictability, so that complainants know the process and steps following the registration of a complaint.

■ Channels

In this context, it is necessary that the HR Department within the PIU provide for a mechanism to receive workers' complaints offering different channels of submission and guaranteeing the possibility of anonymous submission of complaints. Worker complaints and all related documentation should then be recorded in a dedicated database by HR Department. The workers' GMM should be broadly communicated to all PIU staff.

The proposed channels to submit labor or occupational complaints are:

- Complaint in person to AML HR officer, PIU environmental and social specialist, or HS manager;
- Dropbox located in AML and A PIU premises;
- The Labor Office in Rodrigues.

It should be noted that in Rodrigues, the main channel to lodge a labor or occupational complaint is the government's Labor Office. According to interviews with PIU managers and Labor office staff, most workers go to the Labor office when they face an issue at work. It is therefore expected that this will be the main channel used to lodge a complaint, although it does not directly goes through PIU dedicated channels. The Labor Office maintains a grievance log and elaborates statistics regularly to detect recurrent issues or numerous problems within a specific sector or company.

With this respect, AML's HR manager will regularly:

- Communicate and recall to the Labor office that any grievance regarding the Project must be communicated to the PIU;
- Communicate to workers about available channels and that the PIU will independently and impartially deal with labor and occupational complaints.

Once this mechanism is operational, the HR Department, the HS department and Rodrigues' Labor Office must set up a functional collaborative relationship at a very early stage of the project and at regular intervals to ensure that all labor-related complaints are considered, addressed, and that the AML HR and HS Departments conduct checks or feedback on relevant complaints.

In addition, the PIU shall offer the possibility to the employees of its subcontractors to address any complaint related to working conditions to the HR Department, provided that the employees have already submitted their complaints to their direct employer and that they were not satisfied with the response given by their employer. In this context, subcontractors and their employees will have to be informed of this possibility in writing (e.g. by posting) and orally (e.g. during induction and refresher trainings) with a contractual commitment on their part to respect the PIU grievance redress management process.

If grievances are repeated, unresolved or submitted by several people, this should be escalated to the Rodrigues' Labour Department.

■ Procedure

This section sets out the key steps of the workers' grievance redress mechanism. These can be modified, adapted or detailed. For instance, channels dedicated to complaint reception can evolve over time.

It is first recommended that prior lodging a complaint, the employee or a group of employee tries to solve the issue on an amicable and informal basis. When this is not possible, the grievance redress procedure starts.

- 1 **Complaint registration:** the complainant must lodge its grievance through the dedicated channel, preferably in written form. A copy of the grievance can be transmitted to the department where the dissatisfaction occurred. The resolution of labor-related complaints is the direct responsibility of the HR department, so the solution should be recorded in the workers' GRM database. Each complaint registered must include contact details of the complainant (unless anonymity is required), a description of the issue, the complaint date and any supportive document. This database will also include complaints related to the Project that are lodged to the Labor Office;
- 2 **Settlement proposition:** the HR manager or the HS manager shall promptly arrange a meeting to discuss the issue and ultimately propose a solution. When relevant, notably for HS issues, a member of the Labor office can attend the meeting to clarify legal requirements in relation to labor and HS rules and procedures. This step should be completed in 1 week after the meeting;
- 3 **PIU Management resolution:** when the proposed solution is deemed not satisfactory for the complainant, the complaint is brought to PIU's management for further action or resolution. This step should be completed in 2 weeks or less;
- 4 **Legal remedy:** in case the complainant is still not satisfied with the proposed outcome, the case can be brought to state's mediation and judicial institutions.

This GRM does not prevent a worker to rely on the mediation and judicial means provided by Mauritius' Workers' Rights Act.

Any repetitive or serious complaint must lead to checks, verifications and the adoption of corrective measures by PIU.

9. Contractor's management

PIU will make reasonable efforts to ascertain that the Contractor and their subcontractors hire the workers from legitimate labor entities in the country, to ensure that contracted workers benefit from the same level of protection as direct and indirect workers as provided in this Labor Management Procedures. PIU will require the Contractor to provide the following information:

- Business licenses, registrations and permits of the local entities that supply labor to the Contractor and its subcontractors;
- Documents relating to any existing labor management system, including OHS issues (for example: labor management procedures).
- Verifiable evidence that there are no child workers or cases of forced labor among the Contractor's workforce.
- Contractors also will be required to provide information to its workers on the project's worker GRM, which will be managed centrally by the PIU, as well as to forward any worker grievances received by the contractor to the PIU for processing and resolution

- Contractors' compliance with this LMP, including OHS and SEA/SH requirements, shall be managed through regular reporting from contractor to PIU (as outlined in the Contractor ESMP), as well as sporadic checks by PIU to work sites where contractor and subcontractor workers are located. If these checks indicate compliance issues, a more detailed audit of contractor and subcontractor performance against LMP requirements will be initiated by the PIU.

10. Primary supply chain workers

As required by World Bank ESS 2, the Contractor will be responsible for conducting due diligence on working conditions of the primary supply chain workers providing key materials for construction, in particular raw materials, to ensure there is no indentured/forced or child labor (as per the Workers' Rights Act).

Therefore, the Contractor will select subcontractors according to the following standards:

- Prohibit the employment of forced or child labor, with a process for assuring compliance.
- Maintain and implement policies that respect basic human rights and dignity, without distinction on any basis, including the rights to life, liberty, and security of person, freedom from slavery and cruelty, and equal protection, and a process to assure compliance;
- Comply with OSH requirements of the Project and to demonstrate strong organizational commitment to responsible OSH management;
- Demonstrate organizational commitment to responsible and productive community relationships, including the ones that have a positive and enduring effect on the local communities;
- Will include the labor and occupational health and safety requirements of this Labor Management Procedures into subcontracting agreements;
- Keep records of the information and include these in reporting activities, including reporting of grievances received by the contractor and forwarded to the PIU for resolution.

11. Key performance indicators

This section provides KPI to monitor the implementation of this Labor Management Procedures. The Contractor will have the possibility develop other KPIs. These KPIs should include, at a minimum:

- Number of recruitment campaigns organized with local authorities;
- Number of recruitments of local workers in comparison with defined targets (include breakdown of male and female recruitments against male and female targets);
- Number of female workers hired (as percentage of total workforce)
- Number of complaints regarding the recruitment of local workers and working conditions (including male/female breakdown of complainants);
- Number of training and awareness raising sessions provided on gender equality, rights of vulnerable persons and risks of contamination by STDs and HIV/Aids (including male/female participate breakdowns);
- Number of complaints for discrimination on any ground (including male/female breakdown of complainants);
- Number of complaints for gender-based violence or harassment (including male/female breakdown of complainants).
- Number of trainings on use of PPE, other OHS issues and SEA/SH awareness, prevention and reporting ((including male/female breakdown of training participants)

12. Records management

The control of documents and records related to human resources shall be conducted in accordance with the document control procedure of the Contractor. The Contractor and subcontractors shall maintain at least the following records:

- Worker's registry;
- Recruitment campaigns record;
- Worker's inspection records;
- Non-conformance reports;
- Complaints and remedy records;
- Training records;
- Other relevant documents and records (e.g., identification documents of workers, among others).

All documents and records are required to be kept at least five years or as per regulatory requirements, whichever is more stringent, and kept in safe storage accessible only to authorized personnel. Records shall be made available for inspection and audit by the PIU.