

Labor Management Procedure (LMP)

for the Liberia

Institutional Foundation to Improve
Services for Health (P169641) Project

Ministry of Health

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Draft

Labor Management Procedure

Liberia Institutional Foundation to Improve Health Services Project (IFISH)

1. OVERVIEW OF LABOUR USE ON THE PROJECT

Number of project workers: Component1 will involve the construction of the new Redemption Hospital Phase II. The phase II civil works will be similar to phase I which is ongoing. Civil work of this nature usually attracts different types of workers at different stages of the work. The two main stages that may attract workers for this project include the design and construction stages.

Design Stage: The civil works under IFISH will be a Design and Supervise Contract. The Design Contractor will also be the Supervision and Monitoring Contractor during the construction stage. The Design, Supervision and Monitoring Contractor team is usually a small team of skilled workers of different expertise. For this project, the number of workers required for this stage is estimated to between 3-5 workers.

Construction Stage: The construction stage expected to attract both permanent and temporary workers including unskilled, semi-skilled, and skilled workers. This stage of the work is expected to attract about 263¹ workers. This number will vary throughout different stages of the construction work based on the skill requirements of different stages of the construction work.

The following categories of project workers are expected to be engaged during the civil works as defined by ESS2:

Direct workers: These are workers that are expected to work directly on the project management team. This team is responsible for overall project management with oversight responsibility on fiduciary (financial management, procurement and disbursement)

¹ This estimate is informed by the number of workers currently engaged by the New Redemption Hospital Phase I project which similar in scale to phase II works.

environmental and social, gender-based violence (GBV), and sexual exploitation and abuse (SEA) issues. The Ministry of Health (MOH) has a project implementation unit (PIU) that is currently implementing several Bank financed projects, including the New Redemption Hospital Phase I. The same PIU will be responsible to implement this project. The PIU has 15 staff, including a project manager, procurement specialist, monitoring and evaluation officer, and environmental and social safeguard officer.

Contracted Workers: Most of the workers needed during the construction phase will be contracted workers. Contracted workers would be need for masonry, electrical, plumbing and support activities. The number of contracted workers will vary throughout the construction period. Based on the experience from the ongoing phase I construction works, which is similar to phase II in scale, the project is expected to hire between 150-200 contracted workers.

Migrant workers: The project is expected to hire some international staff. Given the nature and scale of the required civil works, it most likely that the Design and Construction Contractors would be international firms. Key staff including project managers are expected to be international staff. The project is expected to hire between 3-5 international staff. These staff usually have permanent contract that attracts international terms and conditions.

The project is expected to attract most of the workers from Montserrado County particularly Monrovia, where the construction work is located, and other parts of the country. Most of these workers are usually temporary workers hired by subcontractors of the main civil work Contractor. Usually, these workers do not have written contracts that clearly stipulate employment terms and conditions, and they may be required to work overtime without proper compensation.

Community Workers: The Projects will not include the use of community workers in circumstances defined in paragraph 34 of ESS2. Project communities are not expected to provide labor as a contribution to the project. Additionally, the project is not designed and conducted for the purpose of fostering community-driven development.

Timing of Labor Requirements: The project is still in the early stage of preparation, and the timing and sequencing of labor on the project is not defined at this stage. Once the project is

approved and the overall procurement plan which includes the civil works is finalized, the LMP will be updated accordingly to include this information. The project is expected to be effective in December 2020, and the process of hiring the civil work Contractor would be subsequently initiated. This procurement process as well as mobilization of Contractor on site may last several months. Construction activities are not expected to begin until in the second half of 2021.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Project Activities and Key Labor Risks

The Project has 3 components and it includes Operationalizing the new Redemption Hospital Phases 1 and 2, institutional strengthening to address key binding constraints, and project management. Project component 1 would finance the design, construction and supervision for Phase 2, and equipment procurement and installation for both Phases 1 and 2 of the new Redemption Hospital. The labor risks of the project are mainly associated with the proposed civil works under component 1. Building construction works involve several stages, including excavation and foundation, framing, finishing and exterior. Each of these stages involve several activities and the use of different types of machinery, tools, substances, and materials that have potential to expose workers to various occupational risks and hazards. Some of the risks and key health and safety hazards workers may be exposed to during the construction of the New Redemption Hospital Phase 2 are outlined below:

- Fall from height or fall from the same level
- Contact with moving parts of a machine and tools
- Contact with electrical tool and wires
- Exposure to hazardous substances
- Extreme muscular exertion (materials handling)
- Struck by moving vehicles and equipment and falling objects
- Exposure to high level of noise
- Heat exhaustion
- Exposure to dust
- Exposure to hand-arm vibration (HAV) or whole-body vibration (WBV)
- Exposures to metal fumes and to ultraviolet (UV) radiation
- Labor influx
- GBV and SEA

3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

Below is the overview of the key aspects of the national labor code taking into consideration of terms and conditions of ESS2 (Labor and working conditions, paragraph 11).

Wages and Deduction

The amount and form of remuneration in Liberia is determined by the individual labor contract. Payment of wages is done on a monthly basis. The Labor Law of Liberia requires employers to pay wages that are due to an employee in cash, except where the employee agrees in writing to payment of wages by postal order, money order, check or lodgment at a financial institution to the credit of an account standing in the name of that employee or in the name of that employee and some other person or persons jointly.

The Labor Laws set out a minimum salary of every categories of workers under the employed of concession, industrial, company business etc. based on the Decent Work Act. The minimum wage in the formal sector (concession, industry, business, company, etc.) worker/employee is United States Sixty-eight cents (Us\$0.68) per hour or United States Five Dollars – Fifty Cents (US\$5.50) per day. Domestic and/or casual worker/employee is entitled to a minimum wage of United States Forty-three Cents (US\$0.43) per hour or United States Three Dollars – Fifty Cents (US\$3.50) per day. The employers usually deduct the income tax and health and social insurance contributions automatically from the wages and transfer them to the Liberia Revenue Authority or appropriate and social authorities.

Working Hour & Break

The Decent Work Act of Liberia (Part V, Chapter 17, Sec. 17.1a) states that the ordinary working hours shall be eight hours in any one day and forty-eight hours in any one week. The Act also requires employers to clearly display a notice showing the hours at which work begins and ends and the daily rest periods, in a readily accessible location in any workplace under their control.

Overtime Work

Section 17.5 of the Act allows overtime work. Any hour worked in excess of the ordinary working hours of eight hours per day is overtime. An employer may require an employee to work a maximum of five hours beyond ordinary hours of work in any week, and all work in excess of ordinary hours shall be paid at a rate not less than fifty per cent above the normal rate for that work.

Meal Break

Section 17.7 of the Act requires an employer to give an employee who works continuously for more than five hours a meal interval of at least one continuous hour, for which time the employee shall be paid.

Daily Rest period

Section 17.9 of the Act requires an employer to allow an employee a daily rest period of at least twelve consecutive hours between ending and commencing work.

Leaves

The right to annual leave is guaranteed to all employees under the Labor Law of Liberia. Chapter 18, Sec. 18.1 of the Act provides that any employee who works based on an individual labor contract shall benefit from the right for annual rest leave. Every employee is entitled to a minimum uninterrupted period of annual leave as follows:

- i) during the first twelve (12) months of continuous service with an employer, the number of working days in one (1) week
- ii) during the first twenty-four (24) months of continuous service with an employer, the number of working days in two (2) weeks
- iii) for continuous service of thirty-six (36) months, the number of working days in three (3) weeks; and
- iv) for continuous service with the same employer for sixty (60) months and thereafter, the number of working days in four (4) weeks. An employee who have taken either of this annual leave shall receive their full remuneration as per the civil servant Standing Order and Decent Work Act.

The Act also provides for paid maternity and paternity leave, sick leave, bereavement leave, and leave to care for other.

Short-term and seasonal contracts are not clearly covered in the Liberian Labor Law and practically, those employees these contracts do not benefit from annual leaves. Most of the workers under the civil works component of this project may fall under this category.

Labor Dispute

Sections 40.1- 40.6 of the Decent Work Act contain provisions for resolution of labor dispute in Liberia. The Act has provisions in these section that allow workers to resolve individual and collective disputes between the employer and the employee(s) over the terms and conditions of a labor agreement.

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

The Liberia Labor law (the Decent Work Act, 2015) is the primary legislation that provides the framework for occupational health and safety (OHS) in Liberia. Part VI of the Act which covers Occupational Safety and Health is very extensive and generally covers most of the key requirements of para. 24-30 of ESS2. Part VI covers several themes including the following:

Objectives of the OHS legislation which are generally in line with the objectives of ESS2. Amongst others, the objectives are to:

- i)** provide secure the safety, health and welfare of employees and other persons at work;
- ii)** eliminate at their source, so far as is reasonably practicable, risks to the safety, health and welfare of employees and other persons at work;
- iii)** ensure that the safety and health of members of the public are not exposed to risks arising from work or workplaces;
- iv)** provide for the involvement of workers, employers, and organizations representing those persons, in the formulation and implementation of safety, health and welfare standards; and

Employer's Obligation

Part VI, Chapter 25, of the Act provides requirements for Employer's Obligations. It covers general duties of employers, including the duty to ensure so far as is reasonably practicable the safety and health at work of all workers they have engaged; the duty to provide and maintain plant and systems of work that are safe and without risks to health; and the duty to provide, in appropriate languages, such information, instruction, training and supervision as may be necessary to ensure the safety and health of workers they have engaged.

Even though OHS provisions in the Decent Work Act of Liberia are exhaustive and generally cover the objectives and requirements set out in ESS2 paragraphs 24-30, implementation and enforcement of these provisions are generally weak due to several reasons, including the lack of capacity, logistics, and inadequate funding. The MOH will therefore need to ensure that all applicable provisions are implemented and contractually enforceable by ensuring appropriate clauses and provisions are included in all relevant contracts.

5. RESPONSIBLE STAFF

The overall responsibility for the implementation of all aspects of the project lies with the Project Implementation Unit (PIU) of the Ministry of Health. The PIU currently has 15 staff, including a Project Manager who is the head of the portfolio and a Deputy Project Manager. Other key project staff include 2 procurement Specialists, 1 Finance Manager, 1 Finance Assistant, 1 Environmental and Social Safeguard Specialist, 1 Program Officer and couple of few staff.

The PIU under the direct supervision of the Project Manager will coordinate the engagement and management of project workers and a designated staff such as the Environmental and Social Safeguard specialist for the following activities:

- i) Ensure that contractor(s) responsible for the civil works under the project prepare the OHS plan to meet the requirements of national occupational health and safety regulations before the start of the works;

- ii) Monitor regularly that the Contractor(s) are meeting contractual obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Bidding Documents, and in line with ESS2 and Decent Work Act
- iii) Monitor that OHS standards are met at work places in line with national occupational health and safety legislation and Occupational Health and Safety Plan;
- iv) Ensure that the workers for all contractors and subcontractors are aware about the grievance redress mechanism;
- v) Ensure that grievances are registered and addressed properly by the appropriate party.

The Phase II Civil Work Contractor will oversee labor and safety performance on a regular basis (daily) on behalf of the Employer.

Amongst other obligations required by the Labor Law of Liberia and the relevant World Bank's Environmental and Social Standards, the contractor will be responsible for the following:

- i) Develop a Contractor's Environmental, Health and Safety Plan that meets the Employer's requirement which incorporates requirements of ESS2 and OHS provisions in the Decent Work Act of Liberia prior to the commencement of work;
- ii) Assign or employ a competent person responsible for the adaption and implementation of the OHS plan to the requirements of the project;
- iii) Ensure so far as is reasonably practicable the safety and health at work of all workers they have engaged;
- iv) Provide and maintain plant and systems of work that are safe and without risks to health;
- v) Maintain records of recruitment and employment process of contracted workers;
- vi) Clearly communicate job description and employment conditions to contracted workers;
- vii) Develop a system for regular review and reporting of labor, and occupational safety and health performance on site;

- viii) Develop and implement a grievance redress mechanism that would record and address the grievances raised by the workers;
- ix) Deliver regular orientation and OHS training to employees.

6. POLICIES AND PROCEDURES

Forced labor which consist of any work or services not voluntary performed that is exacted from an individual under threat of force or penalty will not be used in connection with the project.

Freedom from forced or compulsory labor

No person in Liberia shall be subjected to forced or compulsory labor, provided however that this does not prohibit work or service. A person shall not directly or indirectly cause, permit or require any person to perform forced labor except in the event of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population

Freedom from the worst forms of child labor

Part II, Section 2.3, of the Decent Work Act prohibits child labor. The Act defines a child as a person under the age of 18. The Act prohibits the following:

- i) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- ii) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- iii) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- iv) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or welfare of children

Employment rights and Obligation

All the workers hired under the project, whether direct, contracted or sub-contracted, will be employed based on the principles of non-discrimination.

Without limiting the scope of the preceding provision, all persons who work or who seek to work in Liberia are entitled to enjoy and to exercise the rights and protections conferred by this Act irrespective of:

- i) race, tribe, indigenous group, language, color, descent, national, social or ethnic extraction or origin, economic status, community or occupation;
- ii) immigrant or temporary resident status;
- iii) sex, gender identity or sexual orientation;
- iv) marital status or family responsibilities; previous, current or future pregnancy or breastfeeding;
- v) political affiliation or opinion, or ideological conviction;
- vi) physical or mental disability; health status including HIV or AIDS status, whether actual or perceived; and
- vii) irrelevant criminal record, acquittal of a crime or dismissal of a criminal prosecution against them; or personal association with someone possessing or perceived to possess one or more of these attributes

7. AGE OF EMPLOYMENT

The minimum age for employment on the project will be in line with the requirements of Liberia Labor Law since the Labor Law specifies a higher age than that specified ESS2 para. 17. Section 21.2 of the Decent Work Act prohibits the employment of children under the age of 15 in full time employment. However, Sections 21.3 of the Act permits children under 15 years to be employed in light work provided:

- i) They may only work for a maximum of two hours in a day and fourteen hours in a week; and ii) are employed in compliance with any prescribed procedures.
- ii) The work is not likely to be harmful to a child's health or safety, moral or material welfare or development; and ii) is not such as to prejudice the child's attendance at school or their capacity to benefit from instruction

The Act prohibits children from engaging in hazardous work. It defines hazardous work as work involving the following:

- i) work which exposes children to physical, psychological or sexual abuse;
- ii) work underground, under water, at dangerous heights or in confined spaces;
- iii) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- iv) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; or
- v) work under particularly difficult conditions such as work for long hours or during the night, or work where the child is unreasonably confined to the premises of the employer.

Therefore, the minimum age for employment on this project is 15 years. A child over the minimum age but not less than 18 years may be employed by the project provided conditions in para.18 of ESS2 are satisfied, and that no child over the minimum age and under the age of 18 will be employed or engaged in connection with the project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.

Construction works are generally classified as hazardous activities. Therefore, no person under the age of 18 will be employed to engage in construction works. The contractor will be responsible to ensure those employed to engage in construction activities are 18 years or above. It is the contractor's responsibility to establish verifiable systems and procedures to implement this requirement.

Whenever it is brought to the attention of the Employer of the presence of a person or persons below the minimum age of employment in the employ of the contractor, the Employer may investigate immediately and, if proven, request the contractor to immediately terminate said person's contract, while paying all due benefits, and remove them from site immediately.

8. TERMS AND CONDITIONS

The terms and conditions of employment applying to workers in this project will largely depend on the nature of their employment contracts and shall be governed by the Liberian Labor Law. These terms and conditions will be clearly mentioned in the written contracts for all type of workers, whether full-time or part-time, and be made known to project workers prior to commencement of work. Detail terms and conditions related to wages and hours of work are provided in Section 3 of this LMP.

9. GRIEVANCE MECHANISM

The MOH has a Grievance Redress Mechanism (GRM) in place for ongoing project Bank financed project, including the new Redemption Hospital Phase. The project will establish a GRM to cater to the needs of workers employed by phase 2 civil work contractor. The Contractor(s) will be required to inform their workers, and sub-contractor(s), and display publicly on work-site the information about the existing project GRM which will include:

- a brief description of the GRM mechanism and what it is used for;
- the process to send grievances such as comments/complaints forms via suggestion boxes, email, a telephone hotline with an indication of the email, telephone number, fax; mailing address;
- the responsible unit and or person for reviewing the submitted grievances;
- stipulated timeframes to respond to grievances; and
- Mechanisms for escalation of grievances at next level of the GRM

Establishment of this worker's GRM is a commitment in the Environmental and Social Commitment Plan. The project will be required to establish the GRM prior to the commencement of civil works.

10. CONTRACTOR MANAGEMENT

For all relevant contracts, including the contract for the construction of the New Redemption Hospital Phase II, the project will use the Bank's 2017 Standard Procurement Documents which

include language referring to labor and occupational, health and safety requirements of ESS2 that must be complied with.

The PIU will be responsible to monitor the performance of Contractor(s) in relation to contracted workers. In case a Supervision and Monitoring Consultant is hired by the MOH as in the case of Phase1, the Consultant may assume some of these responsibilities on behalf of the Employer. The monitoring may include periodic audits, inspections of work sites, labor management records and reports compiled by contractors. Contractors' labor management records and reports may include: (a) a representative sample of employment contracts or arrangements between third parties and contracted workers; (b) records relating to grievances received and their resolution; (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; (d) records relating to incidents of non-compliance with national law; and (e) records of induction for newly hired employees, and training provided for contracted workers to explain labor and working conditions and OHS for the project.