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Consultancy Services for the
Due Diligence and Options Analysis
for the proposed Mindanao Transport Connectivity Improvement Project

Labor Management Procedures (LMP)

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I. INTRODUCTION

This Labor Management Procedures (LMP) document is prepared for the Mindanao Transport Connectivity Improvement Project (MTCIP) of the Department of Public Works and Highways (DPWH) supported by the World Bank. It seeks to ensure that all workers involved in the project are protected and are working in safe environments. At the same time, it sets out expected behaviors from workers to ensure harmony in the communities where the project operates. This LMP is consistent with World Bank's Environment and Social Framework (ESF) particularly Environment and Social Standard 2 (ESS2) Labor and Working Conditions and the Labor Code of the Philippines. Where there are gaps between the two, this LMP proposes gap-filling measures; usually adopting the more stringent one. The overall objective of the MTCIP is to improve connectivity, climate resilience and safety of selected roads in the Mindanao region. It also intends to improve three (3) link roads located in a) Link Road 1. Sayre Highway (Patulangan) – Cawayan - Kibenton Road, b) Link Road 2. Davao City Saloy - Bantol – Fatima - Malalag Road in Panabo City, and c) Link Road 3. National Highway Jct. Poblacion Malungon to Sta. Maria Road Davao Occidental.

The MTCIP will be implemented by the DPWH-UPMO-Road Management Cluster 2 (Multilateral). The LMP will be carried out by the Environmental and Social Safeguards Unit (ESSU) of the cluster. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated through the project development and implementation. The disclosure and clearance of the LMP by the World Bank shall be observed.

A. Project Description

The proposed MTCIP has five key components:

- **Connectivity:** (*Component 1: Improvements of selected local roads ("Link Roads")*) - upgrading 130 km of selected local roads to national road standards with climate resilience and road safety measures.
- **Long-Term Road Asset Maintenance:** (*Component 2: Capacity, climate resilience and road safety enhancement of the CDO-Davao-GenSan Corridor ("Main Corridor")*) - Road safety improvement and climate resilience (whole 421.12 km) and rehabilitation (124 km of damaged sections), and an Output Performance-Based Road Contract (OPRC) of 5-7 years.
- **Capacity Building:** (*Component 3: Capacity building and Institutional Development*) - capacity enhancement of DPWH and select LGUs (e.g., training, studies, knowledge exchange, among others).
- **Project Management:** (*Component 4: Project Management*) - Support DPWH's UPMO-Road Management Cluster II in project implementation.
- **Contingency Emergency Response Component (CERC):** (*Component 5: Contingent Emergency Response Component (CERC) to support post-disaster recovery*) - a zero-dollar component within a project that allows for funds to be quickly reallocated to emergency recovery activities in the event of a disaster.

The CERC will provide the Government rapid access to financing to respond to an eligible crisis or emergency through an ex-ante mechanism. Anchored on the agreed triggers and specific operational guidelines, this allows reallocation of uncommitted project funds to immediately respond to urgent situations particularly in the event of disasters (geophysical,

climate-related, or man-made) such as typhoons, floods, earthquakes, volcanic eruptions, droughts and disease outbreaks, and public emergencies (e.g., pandemic). The utilization of funds for CERC may consider reallocation of uncommitted funds within the component and/or from one component to another. The utilization of funds will be in accordance with the eligible list of items, goods and civil works required to support the immediate response and recovery interventions, invoking the mandate of DPWH under various emergency response and contingency plans.

II. OVERVIEW OF LABOR USE ON THE PROJECT

A. Number and Characteristics of Project Workers

Direct Workers. These comprise individuals employed directly by the Department of Public Works and Highways (DPWH) both at the national and sub-national levels as well as term-personnel such as consultants, job order, etc. who will work specifically on the Project. The DPWH – Unified Project Management Office (UPMO), Roads Management Cluster – II (RMC II, Multilateral), as the Implementing Agency, will consist of Project Managers and staff that will be engaged during the Procurement, Detailed Engineering Design until project implementation. All direct workers are entitled to the existing terms and conditions and working arrangements of the Philippine government depending on their category.

Contracted Workers. The contracted workers refer to the personnel hired through third parties or entities that may include contractors, subcontractors, or their immediate intermediaries. The contracted workers shall undergo full capacity and capability appraisal, and comprehensive orientation on the requirements of WB ESS2 and the applicable GOP laws and regulations. The number of contracted workers depends on the schedule of works agreed at the regional and district offices of DPWH.

For this project, contracted workers are identified to work on the following:

- Preparatory works including setting up of the campsite, batching plant, processing of relevant permits, as-staked survey, selection of disposal sites, etc.
- Earthworks activities in which operators and spotters will be engaged to handle heavy equipment such as backhoe, bulldozer, dump trucks, etc.
- Preparation and construction of subgrade, subbase, and Portland Cement Concrete Pavement (PCCP) works
- Installation of Guardrails and other signages
- Construction of drainage and slope protection structures.

Security Personnel. The use of security personnel will be limited to the security guards or equivalent that the contractors will employ to protect the contractor's staff and assets including equipment and materials along the campsite. They fall under the category of contracted workers above. There are no known threats to security and peace on the project areas but given the general conflict context in Mindanao, the Project will be in close coordination with the concerned Philippine National Police and military as precautionary measures. In addition, the project will conduct risk assessment on security contractors to

ensure no prior history of abuse, and ensure they pass training/capacity building on safety and use of force to maintain safety for the community.

All these types of workers shall not be under the age of 18 in compliance with the Labor Code of the Philippines and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act. Also, discrimination against disabled and women workers will be avoided as mandated under the Magna Carta for Disabled Persons (RA 7277, as amended by RA 9442) and Magna Carta of Women (RA 9710) respectively.

III. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

A. Project Activities

Direct Workers. The Implementing Agency will be responsible for the procurement of consultants that will be engaged in the Detailed Engineering Design and Civil Works. It will also coordinate with the World Bank Team on the needed requirements and compliance on the agreed policies and framework. In addition, the Implementing Agency will communicate with relevant government agencies such as the National Commission on Indigenous Peoples (NCIP), Department of Environmental and Natural Resources (DENR) - Environmental Management Bureau, and Department of Labor and Employment (DOLE) in the processing of obtaining relevant permits during the design and implementation stage; coordinate with concerned Local Government Units (LGU); and oversee the day-to-day operations on the project implementation.

As the designated Implementing Agency, RMC II shall monitor the project's physical accomplishment including the compliance on the contractor's safety and health program, traffic management plan, environmental management plan and financial accomplishments.

Contracted Workers. A construction Supervision Consultant will be engaged throughout the project implementation tasked as the Engineer onsite. They will provide the overall strategic guidance and direction to the contractors in terms on project alignment, variations on the roadway or bridge design, materials quality control, environmental compliance in accordance with the government's and World Bank's policies, DOLE guidelines in terms of labor laws, project documentations, and traffic safety features. The Supervision Consultant (Engineer) will meet regularly with RMC II staff to review project progress towards the development objectives and help resolve any issues that may arise.

The construction of the proposed Link Roads and Main Corridor shall be carried out by the construction worker of the winning contractors. The contractors will submit their construction methodology with their proposed equipment and manpower in order to complete the works in the prescribed contract duration, subject to the approval of the construction supervision consultant.

The general construction works are summarized as provided below.

- a. Preparatory Works. The contractor will select the location of the campsite, quarry sites, and disposal sites and shall be approved by the Engineer on site. Permit to cut trees shall also be secured. As-staked survey will be conducted by the contractor.
- b. Earthworks activities. Trees within the construction limits shall be cut prior to clearing and grubbing activities. For road carriageway, bulldozer shall be used while the backhoe shall be used along the side ditches and/or edges of the construction limit.
- c. Removal of existing structures and any obstructions such as pavement, sidewalks, and curbs shall be broken into pieces, the size of which shall not exceed 300 mm in any dimension.
- d. Excavation Works. During the conduct of as-staked survey, actual elevations are identified. If unsuitable materials are encountered, excavate the roadway up to the stable soil. All suitable materials removed from the excavation shall be used as materials for embankment, subgrade, bedding, or backfill. Unsuitable materials will be transported to the approved disposal sites.
- e. Installation of cross drains and trenches. On the identified location of cross drains, excavation shall be done to a width provided in the design plans. In the installation of the pipes and storm drains, the beddings of the pipes shall be compacted to allow proper joining of the conduit and shall be provided with grouts for the collars.
- f. Grouted Riprap. On areas identified with soil erosion, grouted riprap is necessary to prevent the soils to collapse during rains. The bed for grouted riprap shall be excavated; stones are laid by hand and shall be firmly bedded into the slope and against adjoining stones; grout shall be placed from bottom to top of the surface swept with swift broom.
- g. Stone Masonry. The exposed side shall be stabilized in the construction of stone masonry. Excavate the trench to the required depth; pour concrete mortar on the trench before laying the first layer of stones/boulders for the foundation. All face stones shall be thoroughly cleaned of mortar stains and shall be kept clean until the work is completed.
- h. Bioengineering. To restore the stability of the exposed earth materials, one of the recommended mitigating measures is bioengineering by the installation of coco net fiber with coco logs. The coco fiber has seeds, once weathered the seeds will sprout and will grow into weeds or trees. Other exposed earth areas will be planted with vetiver grass.
- i. Embankment. During the as-staking, the actual elevations are determined as shown on the plans. Compaction trials (10m x 50m) shall be carried out by the contractor. Spread the material in horizontal layers not exceeding 200 mm (loose measurement) with appropriate crown/cross slope to ensure proper draining of surface water when it rains. Compaction shall be done by rolling using a vibratory road roller with a minimum weight of 10 tons.
- j. Subgrade Preparation shall be done after the cross drains, ditches, drains and drainage outlets, including the fully compacted backfill, shall be completed prior to the preparation of the subgrade. The succeeding structural layers shall proceed immediately after the preparation of the subgrade. Rolling/ compaction operation shall progress gradually from the sides to the center, parallel to the center of the road and shall continue until the whole surface has been rolled up.

- k. Aggregate Subbase Course. Provide blue-top at every 20 meters interval (marked staked) for vertical control reference and to be placed along the side of the roadway or permanent structures within the road traverse. Laying and spreading shall be done using a road grader on a prepared subgrade.
- l. Portland Cement Concrete Pavement (PCCP). Concrete shall be thoroughly consolidated along faces of all forms by means of vibrators inserted in the concrete in a vertical position. No spillage of fresh concrete cement should be visible on the water bodies nearby the construction site.
- m. Bridge construction. Removal of existing steel bridge and re-routing for continuous traffic. Pile driving or bored piling depending on the detailed engineering design will be done to secure the bridge foundation. The contractor will proceed to capping of the erected piles based on the design specifications. Pre-cast girders will be launch using the appropriate heavy equipment. There will be installation of formworks, rebars and pouring of the flooring of the bridge. The abutment of the bridge is in the end of bridge approach. Construction of the road approaches will commence connecting the main roadway. Slope protection and drainage structures will follow to protect from erosion and damages to the roadway foundation. Lastly, accessories of the bridge will be installed.
- n. Drainage Structures. As provided in the design plan, locations of the drainage are provided on areas prone to flooding specially on areas that are densely populated with residential houses.
- o. Slope Protection Structures. Roadside slopes are exposed to rain, wind, and other elements that can erode the soil. Erosion can weaken the slope, leading to cracks, landslides, and even complete slope failure. Construction of road slope protection structures methods like vegetation, shotcrete, or retaining walls help to hold the soil in place and prevent erosion.

During project implementation, the following key labor risks are anticipated:

Occupational Safety and Health (OSH)

- No provision of safety signages and devices along the construction areas and worker's camp which leads to lack of awareness of the workers and other persons to dangers and accidents.
- No provision of medical supplies, equipment and facilities which will be required during the setting up of the contractor's campsite. This will lead to delayed treatment of worker's injuries and worsen situations for injuries that need immediate treatment.
- No provision of qualified safety officer
- Unsanitary welfare facilities which lead to illness of workers.
- Improper or no provision of appropriate PPEs to workers exposes them to serious health and safety risk such as working in heights during excavation and installation of slope protection barriers
- Improper handling of construction wastes
- Exposure to hazardous materials
- Spread of communicable diseases

- Risks of work-related accidents or incidents (associated medical costs and salary disruptions in the absence of adequate insurance by the employer) of absent insurance
- Risks of inadequate training and information on the project's labor requirements especially by sub-contractors and workers in remote areas

Child Labor or Forced Labor

The employment of children below the age of eighteen (18) is strictly prohibited in the implementation of the project.

Labor disputes over terms and conditions of employment

For direct workers, disputes may arise due to lack of adherence to official work hours and compensation for overtime, potential discrimination in recruitment and employment and potential for lack of equal pay for equal work for men and women in violation of national law.

For contracted workers, disputes may arise due to the delay of processing of wages, disagreement with the working conditions, and health and safety concerns in the work environment. Likewise, unequal distribution of tasks and unresolved grievances of workers may lead to labor unrest. Should delay of wages occur, RMC II will send notices to the Contractor leading to a penalty should the delays be gross and incessant.

Labor influx and gender-based violence

RA 6685 prioritizes the hiring of local skilled and unskilled labor to construction projects with as much as 50 percent for the latter. As such, labor influx is unlikely to occur at a large scale. Nevertheless, there should be considerations on the possibility that the required specialized skills will be unavailable among the local work force.

Since the road construction is seen as predominantly male-employed workers, the project might be susceptible to incidents of gender-based violence (GBV). GBV awareness orientation and programs will be conducted to all contract packages to spread awareness, not only to the contractor's workforce but also to the local community along the project area. A set of Codes of Conduct (Annex A) will also be enforced.

IV. OVERVIEW OF LABOR LEGISLATION

A. Constitutional Mandates on Labor Legislation

The 1987 Constitution of the Republic of the Philippines provides the following relevant provisions as legislative framework for labor concerns, as follows:

Sec. 3, Art. XIII- The State shall afford full protection to labor, local and overseas, organized, and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the right of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with the law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns to investments, and to expansion and growth.

Sec. 11, Art. II- The State values the dignity of every human person and guarantees full respect for human rights.

Sec 13, Art. II- The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism and encourage their involvement in public and civic affairs.

Sec. 14, Art. II- The State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men.

Sec. 1, Art III- No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied equal protection of the laws.

Sec. 4, Art. III- No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people to peaceably assemble and petition the government for redress of grievances.

Sec. 14, Art. XIII- The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

The LMP shall adhere to all laws that support the World Bank ESS 2 on the protection of the rights of workers and ensure non-discrimination and equal opportunities. The LMP document has been prepared to fully align with WB ESS2.

The GOP regulations in sync with the ESS2 main requirements are shown in Annex B.

B. Labor Code of the Philippines

Presidential Decree No. 44, as amended by RA 6715, known as the “Labor Code of the Philippines”, governs all employment practices and relations. Provisions of the code shall be strictly implemented. Some of the provisions are as follows:

Wage and Welfare

Employees shall receive their wages by means of legal tender, at least once every two weeks or twice a month at intervals not exceeding sixteen (16) days. In a contracted work, employees of the contractor and of the latter's subcontractor, shall also be paid in accordance with the labor code. The wage paid by the employers to the workers shall not be lower than the prescribed minimum wage set by the Regional Tripartite Wages and Productivity Boards.

Working time, Rest Days and Holidays

The normal work hours for every employee shall not exceed eight (8) hours a day. If all or any part of the employee's working hours falls on 10:00 PM to 6:00 AM, he/she shall be entitled to a night shift pay in addition to the regular wage. If the worked performed exceeds the normal working hours, he/she shall be given overtime pay.

It is the right of every employee for a rest period not less than twenty-four (24) consecutive hours after every six (6) consecutive normal workdays. Compensation shall be given for work performed during holidays and Sundays.

Equal Rights

Workers shall have the right to self-organization and to form, join, or assist labor organizations of their own choosing for purposes of collective bargaining. Minimum employable age is 18 years old. Persons of age 15 to 18 can be employed given that they work in non-hazardous environment.

Gender discrimination in employment and labor relations shall be prohibited. Male and female employees are entitled to equal compensation for work of equal value and access to promotion and training opportunities.

C. Guidelines on Job Order (JO) and Contract of Service (COS) Workers

Although Article IX-B of the 1987 Constitution provides that Civil Service shall embrace all agencies of the government, the Revised Omnibus Rules on Appointments and other Personnel Actions and Civil Service Commission (CSC) Memorandum Circular No. 15, Series of 1999 provides that contracts of services need not be submitted to the Commission since the services rendered thereunder are not considered as government service. The CSC clarifies the guidelines through Joint Circular No. 1, Series of 2017, jointly issued by the CSC, Commission on Audit (COA), and the Department of Budget and Management (DBM) in order to protect JO and COS workers while recognizing the need for government agencies to hire personnel on temporary basis. Starting 01 January 2019, hiring of JO and COS workers should comply with the joint circular. Heads of agencies and/or responsible officers may be held administratively liable under existing civil service rules should they be found violating the said circular. Further, the COA is tasked to check possible irregularities in the procurement of JO and COS services.

Terms and Conditions

Below are the relevant provisions of Joint Circular No. 1, Series of 2017 with regard to the terms and conditions of work:

Individual Contract of Service (Par. 6.2)

The term of contract between the agency and the individual contractor shall be for a maximum period of one (1) year, renewable at the option of the Head of the procuring entity, but in no case shall exceed the term of the latter;

Engaging the services of individual contractor shall be subject to pertinent provisions of Republic Act No. 9184 and its implementing guidelines, as applicable, and the existing budgeting, accounting, and auditing rules and regulations.

Job Order (Par. 6.3)

The services of a JO worker are either paid according to an agreed contract amount for the piece of work or on a daily wage basis.

Contracting the service of JO workers shall be subject to pertinent budgeting, accounting, and auditing rules and regulations.

Limitations (Par. 7.0)

Hiring under COS shall be limited to consultants, learning service providers, and/or other technical experts to undertake special project or job within a specific period. The project or job is not part of the regular functions of the agency, or the expertise is not available in the agency, or it is impractical or more expensive for the government agency to directly undertake the service provided by the individual contractor;

Hiring of JO workers shall be limited to emergency or intermittent work, such as clearing debris on the roads, canals, waterways, etc. after natural/man-made disasters/occurrences; other trades and crafts, and manual tasks which are not part of the regular functions of the agency;

COS and JO workers should not, in any case, be made to perform functions which are part of the job description of the agency's existing regular employees;

The services of the COS and JO workers are not covered by the Civil Service law and rules thus, not creditable as government service. They do not enjoy the benefits enjoyed by government employees, such as leave, PERA, RATA and thirteenth month pay. However, they are covered under the Labor Code and entitled to all benefits accorded to them by law.

Payment of Services Under Individual COS (Par. 8.0)

Individuals hired through COS shall be paid by the prevailing market rates, subject to the provisions of Republic Act No. 9184 and its Implementing Rules and Regulations; Individuals hired through the COS have the option to enroll themselves in social benefit program thru the Social Security System (SSS), PhilHealth and Pag-IBIG Fund as self-employed members.

Payment of Services Under Job Order (Par. 9.0)

Individuals hired through JO shall be paid wages equivalent to the daily wages/salary of comparable positions in government and a premium of up to 20% of such wage/salary.

V. OVERVIEW OF OCCUPATIONAL SAFETY AND HEALTH

A. Republic Act No. 11058 – OSH Law

According to Chapter III of the OSH Law, the following are the duties of every employer, contractor or subcontractor, and any person who manages, controls, or supervises the work:

Equip a place of employment for workers free from hazardous conditions that are causing or are likely to cause death, illness or physical harm to the workers.

Provide complete job safety instructions and proper orientation to all workers including, but not limited to, those entering the job for the first time and to those relating to familiarization with their work environment.

Inform the workers of the hazards associated with their work, health risks involved or to which they are exposed to, preventive measures to eliminate or minimize the risks, and steps to be taken in case of emergency.

Use only approved specific industry set of standards of devices and equipment for the workplace as applicable.

Comply with OSH standards including training, medical examination, and when necessary, provisions on protective and safety devices such as PPE and machine guards. Training for workers shall include health promotion, hazards associated with their work, health risks involved or to which they are exposed to, preventive measures to eliminate or minimize risks, steps to be taken in case of emergency, and safety instructions for the jobs, activities, and tasks to be handled by workers.

Make arrangements for workers and their representatives to have the time and resource to participate actively in the processes of organizing, planning and implementation, monitoring, evaluation and action for improvement of the OSH management system.

Provide, when necessary, for measures identifying trainings and drills, evacuation plans, etc., to deal with emergencies, fires and accidents including first-aid arrangements.

To comply with the OSH standards, every employee/worker shall:

Participate in the capacity building activities on safety and health and other OSH related topics and programs.

Proper use of all safeguards and safety devices furnished for workers' protection and that of others.

Comply with instructions to prevent accidents or imminent danger situations in the workplace.

Observe prescribed steps to be taken in cases of emergency including participation in the conduct of national or local disaster drills.

Report to their immediate supervisor or any other responsible safety and health personnel any work hazard that may be discovered in the workplace.

Employed citizens, employees shall have the following common rights:

To refuse to work without threat or reprisal from the employer if an imminent danger situation exists.

To report accidents, dangerous occurrences, and hazards to the employer, to DOLE, and to other concerned competent government agencies.

To receive personal protective equipment, to be provided by their employer, contractor or subcontractor, free of charge, for any part of the body that may be exposed to hazards, and other lifeline.

To receive information on workplace conditions, risks that can impose danger to health, industrial dangerous and poisonous factors.

B. Occupational Safety and Health Standards

The Occupational Safety and Health Standards, in compliance with Article 162 of the Labor Code of the Philippines, was formulated to protect every working man against the dangers of injury, sickness or death through safe and healthful working conditions. For this project, chapters discussing standards for personal protective equipment and devices, construction safety, and hazardous materials are necessary and should be complied.

Pursuant to Section 32 of RA 11058, the DOLE Department Order No. 198, series of 2018, was issued to strengthen the compliance on OSH by providing penalties to contractors and concerned Implementing Agencies for every violation.

C. Department Issuance on Occupational Safety and Health

DPWH Department Order 56 series of 2005: Guidelines for the Implementation of Department of Labor and Employment (DOLE) No.13 series of 1998, Guidelines in the Governing Occupational Safety and Health in the Construction Industry, it is expected that the contractors should follow the said guidelines to eliminate or reduce occupational safety and health hazards in all work places, and institute new, and update existing programs to ensure safe and healthful working conditions in all places of employment.

VI. RESPONSIBLE STAFF

The MTCIP staff who is responsible for the implementation of the five key components includes the following:

Table 1. Duties and Responsibility of MTCIP Staff

| Duty/Responsibility | Direct Workers | Contracted Workers |
|--|---|--|
| Management of Contractors and subcontractors | DPWH-Unified Project Management Office (UPMO), Roads Management Cluster II (RMC-II) | DPWH UPMO RMC II and Construction Supervision Consultant (CSC) |
| Management of Workers | DPWH UPMO RMC II Administrative Unit | Contractor's Project Manager & HR Department, and Project Engineer |
| Occupational Safety and Health | DPWH UPMO RMC II – Environmental and Social Safeguards Unit (ESSU) | Contractor's Environmental, Health and Safety Officer (EHSO) DPWH UPMO RMC II and Construction Supervision Consultant (CSC) |
| Orientation and Trainings | DPWH UPMO RMC II ESSU, World Bank | DPWH UPMO RMC II and Contractors (mainly HR Department), Construction Supervision Consultant (CSC) |
| Grievance Redress Mechanism (including orientations, publicizing, maintaining, monitoring) | DPWH UPMO RMC II – ESSU | Contractor's Environmental, Health and Safety Officer (EHSO) and CSC |
| Monitoring of project accomplishment (including incident and accident reporting) | DPWH UPMO RMC II Project Engineer, and Monitoring Unit | Contractor's Environmental, Health and Safety Officer (EHSO) and Construction Supervision Consultant (CSC) |

The DPWH UPMO RMC II, will be composed of Project Manager, Deputy Project Manager and Technical support staff with the following roles:

- i. **Project Manager:** Oversees the day-to-day implementation of the Project, coordinates the implementation of the Project, and acts as the focal point for communication with WB and other agencies;
- ii. **Deputy Project Manager:** assist the project manager in day-to-day Project implementation and oversee technical and safeguards aspects of the project and communicate on behalf of the project manager to the WB and other agencies.
- iii. **Technical support staff** will consist of technical specialists who will be responsible for the respective aspects of project. These technical support staff includes for environmental, social/resettlement, gender, road safety, financial and planning, procurement, etc.

Part of the DPWH UPMO RMC II staff are the Core Unit under the Project Director, in which will support the project throughout the stages. Presented below is the figure of the Core Units and its functions.

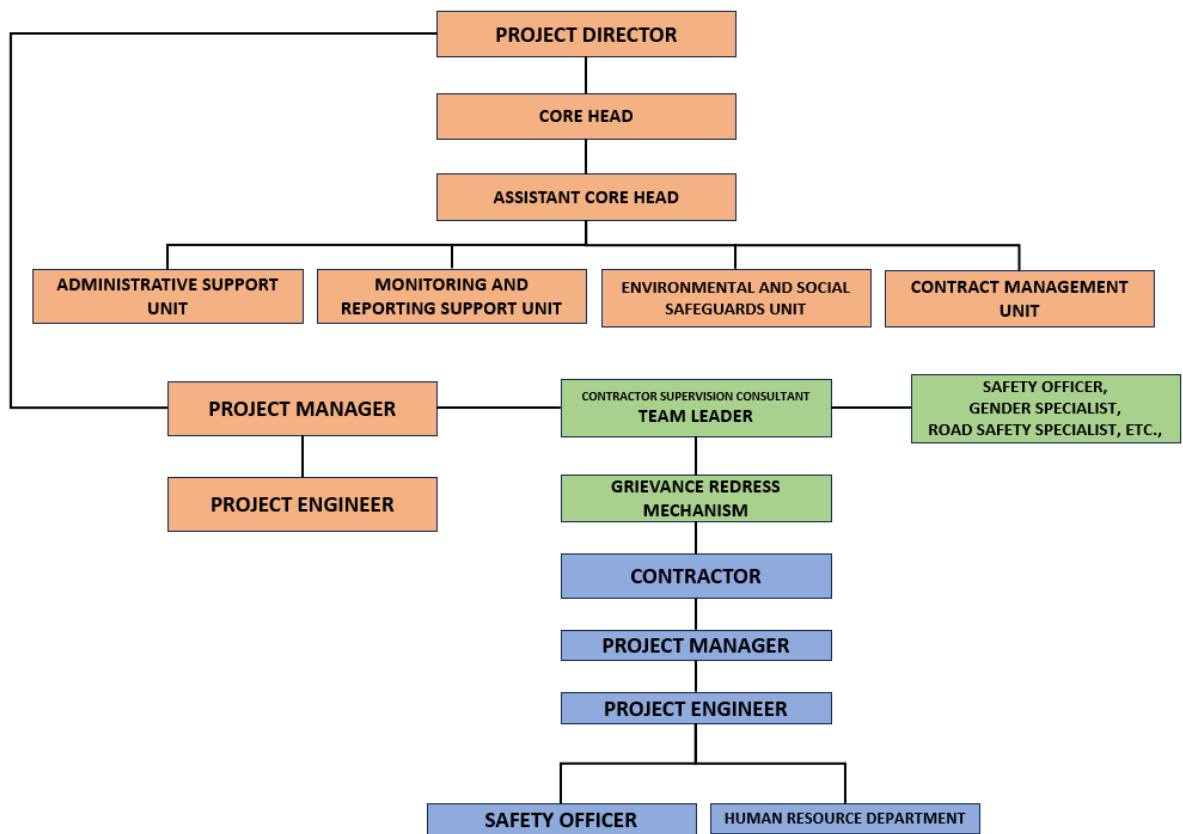


Figure 1. Diagram of DPWH UPMO RMC II Core Unit

1. Administrative Support Unit – Supervises the administrative functions pertaining to personnel, supply, records, and budgetary requirements of the Office. Enforces the proper implementation of documents and records management and provide liaison works. Ensures management of workers like signing of contract agreement, conduct orientation, monitoring of hours of work and working, etc.
2. Environmental and Social Safeguards Unit – Managing and reporting of the Grievance Redress Mechanism, monitors the contractor's compliance, including sub-contractors, with the OSH and labor conditions per ESS requirements and DOLE policies. Conduct site inspections for validation. Coordinate to the DOLE on the projects' OSH compliances.
3. Contract Management Unit – Preparation of bidding documents ensuring the OSH policies by the World Bank and DOLE are incorporated and clearly defined to be followed by the contractor. Conduct preconstruction meeting to the contractor for orientation on the OSH policies and procedures stipulated in the contract agreement for the project.
4. Monitoring and Reporting Support Unit – Reviews and updates progress reports as well as necessary technical reports of the project. Also undertakes information dissemination and manages media-related activities in matters concerning Customer's Community and Social Organization Partnership and Customers' Feedback Management. Receives and monitors accident/incident reports from the Project Engineer on site.

VII. POLICIES AND PROCEDURES

MTCIP will apply the following policies and procedures to address the key labor risks identified under Section 3.2.

Occupational Safety and Health (OSH)

The relevant international laws, national laws and administrative issuances which serve guidelines for government agencies to ensure good working conditions of the workers shall be followed. The MTCIP staff and Contractor's Environmental, Health and Safety Officer (EHSO) shall ensure that the workers are well protected against possible OSH risks through the following measures:

- Identification of potential hazards to workers within their respective area;
- Provisions of preventive and protective measures;
- Training of workers on safety measures and conduct of drills in case of calamities;
- Documentation and reporting of occupational incidents;
- Emergency preparedness;
- Remedies for occupational injuries and fatalities.

Child Labor

To prevent engagement of underage workers, the age employment scheme provided under the Age of Employment Section hereof should be strictly observed by the hiring authority. Proper procedure in the screening, with age verification, shall be undertaken in the selection of workers to ensure that no child shall be employed in the implementation of the project. Likewise, all contracts must have a provision as to the minimum age requirement and the hiring authority shall keep a labor registry of all hired workers.

Labor disputes over terms and conditions of employment

Fair, reasonable and lawful terms and conditions shall be applied in the contract provisions of all project workers to prevent labor disputes. Moreover, there will be an efficient grievance mechanism to address any issues that may arise during the existence of the contract. The guidelines provided under GRM Section hereof shall be strictly observed to resolve work-related disputes including terms and conditions of employment.

Gender-Based Violence

During procurement of the contractor, the PIU will ensure that all contractors have in place a code of conduct (see Annex A) for all its workers and subcontractors that respects women and girls and prohibits all forms of gender-based violence including verbal sexual harassment. During subproject implementation, the contractor will ensure that (i) all workers are aware of, have attended training on, and acknowledged these codes of conduct through trainings, seminars, or orientations, and (ii) signage and posters in key areas in the construction site are put up.

VIII. AGE OF EMPLOYMENT

A. Minimum Age of Employment

According to Article 137 of the Labor Code of the Philippines, no person below eighteen (18) years of age shall be allowed to be employed in an undertaking which is hazardous or deleterious in nature as determined by the Secretary of Labor and Employment. Considering the scope of the project, it is unlikely that the project would hire a person below eighteen (18) years of age.

B. Age Verification

To prevent engagement of underage workers, an age verification process is required to be undertaken by the winning contractor/consultant prior to the engagement of the project worker. All contractual provisions should comply with the minimum age requirements and the responsible staff is required to maintain a labor registry of all hired project workers.

IX. TERMS AND CONDITIONS

A. Specific Wage

Individuals hired through COS shall be paid by the prevailing market rates, subject to the provisions of Republic Act No. 9184 and its Implementing Rules and Regulations; whereas individuals hired through job order shall be paid wages equivalent to the daily wages/salary of comparable positions in government and a premium of up to 20% of such wage/salary. Workers employed by the third parties for the retrofitting works shall be paid in accordance with the Labor Code. Minimum wage rates to be applied shall be those prescribed by the Regional Tripartite Wages and Productivity Boards.

B. Hours of Work

The normal hours of work of project workers shall not exceed 8 hours a day, exclusive of time for meals. If the work performed exceeds the normal working hours, overtime pay shall be given. According to Article 87 of the Labor Code, any employee shall be paid for overtime work at a rate not less than their regular wage plus at least 25%. For work done beyond eight hours on holidays and rest days, the rate is even higher—no less than the regular wage plus at least 30%.

C. Rest Per Week

Direct workers are entitled to a 2-day rest period during weekends (Saturday and Sundays). Contracted workers shall also be entitled to rest days depending on the terms and conditions stated in their contract. At minimum, they shall have a rest period not less than twenty-four (24) consecutive hours after every six (6) consecutive normal workdays. Both direct and contracted workers shall also be entitled to a rest day on regular holidays recognized by the State.

D. Termination of Contract

The contract of employment shall cease at the end of the period stated therein. However, the contract may be pre-terminated by the hiring authority due to failure to provide the standard of service required under the agreement, breach of any provision thereof, breach of trust, loss of confidence, and for reasons detrimental to the interest of the agency, provided that the project worker is informed in writing at least 30 days prior to the effectivity of such termination. Likewise, the project worker may pre-terminate the contract provided that a written notice is submitted to the hiring authority, stating therein the reasons for the pre-termination, at least 30 days prior to the proposed date of effectivity thereof, and the same has been received, accepted, and approved in writing by the hiring authority.

E. Deduction from Remuneration

No deductions other than those agreed upon in the contract or those prescribed by law or regulations shall be made from a worker's remuneration. The hiring authority is prohibited to demand or accept from the worker any cash payment or gifts in return for admitting such worker to employment or for any other reasons connected with the terms and conditions of employment. Contractors will provide wages as soon as services are rendered as agreed in the contract. RMC II will monitor that this is ensured and will provide notices should this be breached and may implement penalties to the contractor if gross and incessant delays occur.

F. Medical Treatment of Injured and Sick Workers

Any injury, illness or accident sustained by the worker during the work period shall be conveyed to the nearest clinic or hospital by the hiring authority or its representative. The cost for medical expenses is part in the contract of the contractor. The contractor is responsible to employ a paramedic staff to provide medical support in case of workplace incidents or disease related problems. First Aid kits and sick bay room are provided in the contractor's campsite.

X. **GRIEVANCE REDRESS MECHANISM (GRM)**

Grievance Redress Mechanism (GRM) is designed for MTCIP to solicit feedback from and to project stakeholders and address issues, concerns, complaints, and recommendations related to project activities and the environmental and social operation of the project.

The GRM for MTCIP will adhere to the principles and steps stipulated in Republic Act 10752 and the DPWH Right-of-Way Acquisition Manual (DRAM). The GRM levels, procedures, and expected resolution are illustrated in detail in **Figure 2**.

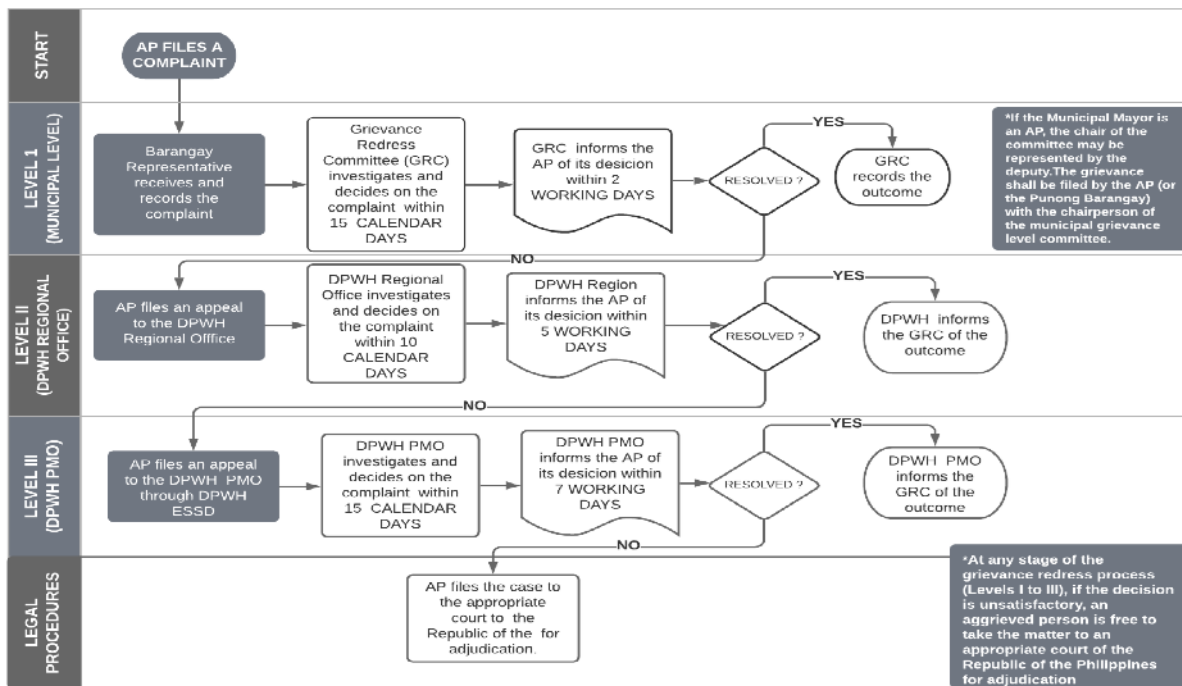


Figure 2. Detailed GRM Flowchart for MTCIP

A subproject-specific grievance redress mechanism (GRM) will be established at the DPWH District Engineering Office (DEO) before the start of construction to receive, evaluate, and facilitate the complaints and grievances of affected persons on the sub-project's environmental and social performance.

A Worker's Grievance Management will also be established in all contractors of MTCIP contract packages during the first month. All workers will be oriented on the procedures of the grievances. This will be initiated by the Construction Supervision Consultant and monitored through the project.

A mechanism for handling sensitive Gender Based Violence (GBV) related complaints in a confidential manner will also be established at the project level and available/accessible to local community members and workers.

This mechanism will be disclosed to the host communities prior to the commencement of site work. Contact information on how to access the GRM will be included in project information billboards.

The District Engineer will appoint an Environment Officer and establish the Grievance Redress Committee (GRC), to be chaired by the DPWH District Engineer. Members will include the following:

- the contractor's highest official at the site, such as the construction manager or the construction superintendent;
- Barangay Chairperson; and
- Environment Specialist of the Construction Supervision Consultant.

Filing of Grievance

For the quick filing of complaints, the GRC will use the grievance intake form. The DEO's Environment Officer will be responsible for the registration of grievances and

communication with the aggrieved party. To facilitate addressing complaints, the contractor will be required to provide contact details of its representative(s) on site in its campsite offices and on project billboards that will be erected at the starting point of the project. The billboard shall likewise include the contact details of DPWH representatives in the event that complaints are not readily addressed by the contractor on-site.

The steps to be followed in filing complaints and the procedures for redress are the following:

- a. The complainant will provide the background and file the complaint directly, either verbally or in writing, with the on-site contractor representative(s) and the barangay through its officials for immediate corrective action.
- b. The contractor(s) representative is then required to act immediately on valid complaints and record such complaints in a complaints registry that must be maintained on the project office.
- c. Complaints that cannot be immediately attended to by the contractor shall be filed either verbally or in writing with the DEO or with the DEO's Environment Officer, who will assist the complainant in filling- out the grievance intake form.
- d. Within 2 working days, the Environment Officer, contractor's representative, and complainant will discuss if the complaint can be resolved without calling for a GRC meeting.
- e. Within 3 days of lodging the complaint, the DEO's Environment Officer will provide the complainant with written feedback on the process, steps, and timeframe for resolving the complaint.
- f. If the complaint cannot be resolved, a GRC meeting with the complainant will be called within 5 working days.
- g. The GRC will have 15 days to resolve the complaint.
- h. The complainant will receive feedback from the DEO's Environment Officer within 5 working days after the various steps of the GRM are done.
- i. If the complainant is unsatisfied with the decision, the existence of the GRC will not impede the complainant's access to the government's judicial and administrative remedies or through concerned government agencies (e.g., the Community Environment and Natural Resources Office, the Provincial Environment and Natural Resources Office of DENR, and the Regional Offices of Environmental Management).

The GRC will receive, follow up on, and prepare monthly reports regarding all complaints, disputes, or questions received about the project and the corresponding actions taken to resolve the issues. These reports will be included in the semi-annual environmental monitoring reports to be submitted by DPWH to WB.

XI. CONTRACTOR MANAGEMENT

With the engagement of people through third parties (contractors and consultants) in the implementation of the MTCIP, procedures for managing and monitoring their performance should be established. The Project will incorporate the requirements of ESS2 – terms and

conditions of this LMP - in the contract agreements with the third parties together with appropriate non-compliance remedies.

XII. COMMUNITY WORKERS

The project will not involve community workers for the retrofitting works. All workers to be employed by the contractor will comply with RA 6685 which states that all private contractors and subcontractors who have been awarded national and local public works projects, including foreign assisted projects, by the National Government or any local government unit, must employ 50% of the unskilled and 30% of the skilled labor requirements from the unemployed bona fide and actual residents in the province, city and municipality who are ready, willing and able as determined by the governor, city mayor or municipal mayor concerned where the projects are to be undertaken.

XIII. PRIMARY SUPPLY WORKERS

The MTCIP project does not need dedicated primary supply workers because all required supplies will be obtained through a procurement process following existing rules and regulations.

XIV. REPORTING OF ACCIDENTS AND DEATHS

Pursuant to Chapter 3 Section 7 of RA 11058, workers and their representatives shall have the right to report accidents, dangerous occurrences, and hazards to the employer, to the DOLE and to other concerned government agencies exercising jurisdiction as the competent authority in the specific industry or economic activity. In addition, the government (PIUs) with support by contractors and supervision consultants are required to report incidents and accidents within 48 hours and subsequent information on root causes and preventive actions.

Pursuant DOLE Department Order No. 198, s. 2018, all employers, contractors or subcontractors, in any, shall submit to DOLE all safety and health records, and notifications such as but not limited to annual medical report (AMR), OSH committee report, employer's work accident/injury report (WAIR), and annual work accident/injury exposure data report (AEDR)

Annex A

Sample Generic Code of Conduct for Contractors

This Code of Conduct identifies the behavior required from all personnel of _ (name of contractor's firm) _ working at the _____ subproject site.

Unsafe, offensive, abusive or violent behavior will not be tolerated, and all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

All (name of contractor's firm) personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other contractor's personnel and any other person;
3. maintain a safe working environment by:
 - a. ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
 - b. wearing required personal protective equipment;
 - c. using appropriate measures relating to chemical, physical and biological substances and agents; and
 - d. following applicable emergency operating procedures;
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers, indigenous people, or children;
6. not engage in sexual harassment, i.e. unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature;
7. not engage in sexual exploitation, or any actual or attempted abuse of 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;
8. not engage in sexual abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
9. not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. not engage in any other form of harassment, mental or physical coercion, or verbal abuse of its employees;
11. undergo relevant training or orientation that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters;
12. report violations of this Code of Conduct; and
13. not retaliate against any person who reports violations of this Code of Conduct.

RAISING OF CONCERNS

If any person observes a behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly to: Name, address and contact number of person designated by contractor to handle social issues/concerns) _

This can be done either in writing, by telephone, or in person.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

Sanctions

Any employee who has breached this Individual Code of Conduct will be subject to any of the following actions:

- Informal warning
- Formal warning
- Loss of up to one week's salary
- Suspension of employment (without payment of salary), for a minimum period of ____ up to a maximum of ____.
- Termination of employment
- Reporting to the police if warranted

Project-in-Charge

(Name of Contractor's Firm)

Annex B

Table 2. GOP Labor Laws and Regulations, International Conventions and the ESS2 Main Requirements

| ESS2 Main Requirements | Philippines Laws and Regulations and General Description | Binding International Conventions | Responsible Institutions and Regulations |
|---|---|---|---|
| 1. Labor Terms and Conditions. Workers shall receive information and documentation, establishing their rights under national labor laws, including rights related to hours of work, wages, overtime, pay and benefits. | <p><u><i>Labor Code of the Philippines (amended), and its IRR</i></u> Prescribes the terms and conditions of employment and other requirements, including rights of workers.</p> <p><u><i>EO 292, s 1987 and its IRR</i></u> The terms and conditions of employment of all government employees, shall be fixed by law. Those that are not fixed by law may be the subject of negotiation between duly recognized employees' organizations and appropriate government authorities.</p> <p><u><i>RA 11058 and DO 198, S 2018</i></u> Information dissemination of Occupational Safety and Hazard (OSH) for both private and public sector is mandated.</p> | | <p>a. Department of Labor and Employment (DOLE) b. Civil Service Commission (CSC) c. Heads of Agency</p> <p><i><u>*The terms and conditions of employment and rights of workers are fixed by law, hence, employers are no longer require to inform and document the terms and conditions of employment, including the rights of workers</u></i></p> |
| 2. Labor Terms and Conditions Workers shall receive their payment in regular form. | <p><u><i>Labor Code of the Philippines (amended), and its IRR</i></u> Provided the rules on wages for private sectors, including setting the minimum wage, forms, time and place of payment</p> <p><u><i>RA 11466</i></u> Modifies the salary schedule for civilian government personnel and authorities</p> <p><u><i>EO 292, s 1987</i></u> Congress shall provide for the standardization of compensation of government officials and employees.</p> <p><u><i>CSC-COA-DBM Joint Circular No. 1, s 2017</i></u> Individual COS shall be paid the prevailing market rates; individual hires as JO shall be paid wages equivalent to the daily/wages/salary of comparable positions in government a <i>premium</i> of up to 20% of such wages/salary</p> | ILO Convention No.100 on Equal remuneration | <p>a. DOLE b. Department of Budget and Management (DBM) c. Commission on Audit (COA)</p> <p><i><u>*National regulations address aspects of ESS2 remuneration requirement</u></i></p> |
| 3. Labor Terms and Conditions Workers shall have adequate rest periods, annual vacations, and sick, maternity or family leave, as | <p><u><i>Labor Code of the Philippines (amended), and its IRR</i></u> Provided the rules on working conditions and rest periods, holidays and service incentive leaves</p> <p><u><i>RA 11210</i></u></p> | ILO Convention No. 183 on the protection of maternity | <p>a. Department of Labor and Employment (DOLE) b. Civil Service Commission (CSC)</p> <p><i><u>*National regulations address working conditions on ESS2 breaks, except for JO</u></i></p> |

| ESS2 Main Requirements | Philippines Laws and Regulations and General Description | Binding International Conventions | Responsible Institutions and Regulations |
|---|--|--------------------------------------|---|
| required by national law and labor management procedures | <p>Provides for 105 days expanded maternity leave</p> <p><u>RA 8187</u> Provides for paternity leave benefits</p> <p><u>RA 8972</u> Grants parental leave of not more than 7 days, and additional 15 days maternity leave for solo parent female worker</p> <p><u>EO 292, S 1987 and Omnibus Rules Implementing Book V of EO 292</u> Provides for rules on leaves for the government personnel</p> <p><u>CSC-COA-DBM Joint Circular No. 1, s 2017</u> Services of COS and JO are not covered by CSC law; hence they do not enjoy the benefits such as leave and 13th month pay</p> | | <u>and COS workers because they are not considered employees of the government</u> |
| <p>4. Labor Terms and Conditions</p> <p>When required by national laws and labor management procedures workers in the project shall receive timely notification of termination of employment and details of severance payments.</p> | <p><u>Labor Code of the Philippines (amended), and its IRR</u> There is no dismissal without just cause for regular employees. Notice of termination is required and details of benefits to be received are prescribed.</p> <p><u>EO 292, S 1987 and Omnibus Rules Implementing Book V of EO 292</u> No officer or employees of the civil service shall be removed or suspended except for cause as provided by law and after due process</p> | | <p>a. Department of Labor and Employment (DOLE)</p> <p><u>*National regulations address aspects of ESS2 termination of employment</u></p> |
| <p>5. Non-discrimination and equal opportunity.</p> <p>The hiring of workers shall be based on the principle of equal opportunities and fair treatment, and there shall be no discrimination in any of the aspects of the employment relationship, such as search and hiring, remuneration (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion,</p> | <p><u>Philippine Constitution, 1987</u> State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.</p> <p><u>Labor Code of the Philippines (amended), and its IRR</u> It is a State Policy to encourage hiring of workers based on their qualifications, skills and knowledge instead of their age; and support equal rights and treatments for all with regards to compensation, benefits, and other employment opportunities; prohibited discrimination against women employees with respect to terms and conditions of employment solely on account of her sex.</p> <p><u>EO 292, S 1987 and Omnibus Rules Implementing Book V of EO 292</u></p> | Convention No. 111 on discrimination | <p>a. Department of Labor and Employment (DOLE) b. Civil Service Commission (CSC)</p> <p><u>*National regulations address aspects of ESS2 equality and discrimination in employment</u></p> |

| ESS2 Main Requirements | Philippines Laws and Regulations and General Description | Binding International Conventions | Responsible Institutions and Regulations |
|---|---|--------------------------------------|--|
| termination of employment or retirement, or disciplinary practices | <p>Appointment in the Civil Service shall be made only according to merit and fitness; government employees shall not be discriminated against with respect of their employment by reason of their membership in employees' organizations or participation in the normal activities of the organization.</p> <p><u>CSC Memorandum Circular NO. 3, s. 2001</u> Provides for the revised policies on the merit promotion plan, which mandates that appointment in the government services is open to all qualified men and women according to the principle of merit and fitness</p> <p><u>RA 9710</u> State condemns discrimination against women in all forms. Sanctions will be posed on violators.</p> <p><u>RA 8371</u> State mandates to extend to indigenous cultural communities (ICCs)/indigenous peoples (IPs) the same employment rights, opportunities, basic services, educational and other rights available to every member of the society; force and coercion against them are punishable by law.</p> | | |
| <p>6. Union</p> <p>In countries where national laws recognize the rights of workers to form organizations, join organizations of their choice and to negotiate collectively without interference, the project shall be carried out in accordance with those national laws</p> | <p><u>Philippine Constitution, 1987</u> Guarantees rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with the law</p> <p><u>Labor Code of the Philippines (amended), and its IRR</u> It is unlawful to restrain, coerce, discriminate against or unduly interfere with employees and workers in their exercise of the rights to self-organization. All employees have the rights to self-organization and to form, join or assist labor organization of their own choosing for collective bargaining, including government employees.</p> <p><u>EO 292, S 1987 and Omnibus Rules Implementing Book V of EO 292</u> All government employees including those in government owned or controlled corporations with original charters, can form, join or assist employees' organizations of their own choosing for the furtherance and protection of their interests.</p> | ILO Convention Nos. 87, 89 and 151 | <p>a. DOLE b. CSC</p> <p><u>*National regulations address aspects of ESS2 on unions.</u></p> |
| 7. Forced Labor | <u>RA 10364</u> | ILO Force Labor Convention | a. DOLE |

| ESS2 Main Requirements | Philippines Laws and Regulations and General Description | Binding International Conventions | Responsible Institutions and Regulations |
|--|---|--------------------------------------|--|
| Forced labor shall not be used. | Prohibits any act that introduce match for money, profit, or material, economic or other consideration any person for purpose of forced labor, slavery, involuntary servitude or debt bondage. | | <i>*National regulations address aspects of ESS2 on forced labor</i> |
| 8. Occupational Health and Safety (OSH) All parties hiring workers shall develop and implement procedures to maintain a safe work environment, including verifying that workplaces, machinery, equipment, and processes under their control are safe and do not present health risks, with inclusion of the use of appropriate measures related to chemical, physical and biological agents and substances. Project workers shall be offered facilities appropriate to the circumstances of their work, including access to dining room, facilities, and appropriate rest areas. | <u>RA 11058</u> State guarantee safety and healthy working environment for employees by providing protection from all possible dangers in the workplace. It applies to all organization, project, sites or any place where work is being done. <u>DOLE DO 198, S 2018</u> Implements the provisions of RA 11058 and requires covered places to have OSH Program to ensure safe environment. <u>CSC-DOH-DOLE Joint Memorandum Circular No. 1, s 2020</u> Provides the OSH standards for the public sector | | a. DOLE b. CSC c. Head of Agency <i>*National regulations address occupational health and safety aspects of ESS2</i> |
| 9. Complaints and grievances management system Processes shall be established in the workplace for workers to report work situations that they consider unsafe or unhealthy, and so that they can withdraw from a work situation that they consider, with reasonable justification, to present an imminent or serious danger to their life or | <u>Labor Code of the Philippines (amended), and its IRR</u> All issues arising from labor and employment shall be subject to mandatory conciliation mediation; allows voluntary arbitration between parties for unresolved issues; parties to a collective bargaining agreement shall establish a machinery to resolve grievances arising from the interpretation or implementation of their collective bargaining agreement and from the interpretation or enforcement of company personnel policies; provides for labor arbiters to hear cases involving workers <u>RA 10396 and DOLE DO 151-16</u> Provides a speedy, impartial, inexpensive and accessible settlement of labor issues arising from employer employee relations, including issues on OSH Standards, to prevent them from ripening into full | | a. DOLE b. CSC c. Head of Agency <i>*National regulations address aspects of mechanisms for handling complaints and grievance of the ESS2</i> |

| ESS2 Main Requirements | Philippines Laws and Regulations and General Description | Binding International Conventions | Responsible Institutions and Regulations |
|---------------------------|--|---|--|
| their health | <p>blown labor dispute or actual labor case, or the Single Entry Approach (SeNA)</p> <p><u>EO 292, s 1987</u> Each department or agency shall promulgate rules and regulations governing expeditious, fair and equitable adjustment of employees' complaints or grievances</p> <p><u>CSC MC 2, s 2001</u> All agencies must establish grievance machinery. The CSC issued policies on grievances in the public sector.</p> | | |
| 10. Community Workers | <p><u>Labor Code of the Philippines (amended), and its IRR</u> If community workers are hired as contractual workers by the community or political entity, all Labor laws and regulations shall be applied.</p> <p><u>RA 66859 and its IRR (DPWH Department Order No. 51 Series of 1990).</u> All private contractors, including subcontractors, to whom awards are made for the undertaking of national and local public works projects funded by either the National Government or any local government unit including foreign-assisted projects must hire at least fifty percent (50%) of the unskilled and thirty percent (30%) of the skilled labor requirements from the unemployed bona fide and actual residents in the province, city and municipality who are ready, willing and able as determined by the governor, city mayor or municipal mayor concerned where the projects are to be undertaken</p> | | <p>a. DOLE</p> <p><u>*National regulations address aspects on community workers of the ESS2.</u></p> <p><u>However, there is need for further clarity as regards volunteer workers from the community as the applicability of the labor laws, rules and regulations.</u></p> |
| 11. Child Labor | <p><u>DOLE DO 65-04</u> Children below 15 years old who works must secure work permit; employers, workers and their organizations, professional organizations or business federations are encouraged to establish or adopt mechanisms to monitor their ranks and take corrective action against erring members.</p> | <p>ILO Conventions Nos 29, 138 and 182.</p> | <p>a. DOLE</p> <p><u>*National regulations address aspects on child labor of the ESS2.</u></p> <p><u>The work of minors under 14 years of age shall not be allowed for World Bank project as ESS2 prevails.</u></p> |