

LABOUR MANAGEMENT PROCEDURES

1. OVERVIEW OF LABOUR USE ON THE PROJECT

Number of Project Workers:

The total number of workers to be employed on the project is at least 10, comprising the following:

Type of Worker	Number
SPC Technical Staff	6 each year (specific staff to be defined each year in the AWP)
Long-term Consultants	3
Short-term Consultants	Not known at this time, but could be as many as 20

Characteristics of Project Workers:

All SPC Technical Staff for this project are employees in positions advertised internationally, recruited from countries such as Fiji, UK, Australia, Switzerland, Vanuatu and New Zealand. Most are based in Noumea, New Caledonia.

The long-term consultants have not yet been recruited, but it is likely they will all be international workers who will be home-based, or based in New Caledonia, pending need and availability of travel to New Caledonia. Under the current COVID-19-related travel restrictions, it is likely that the contractors would have to start their contracts from their home base and move to New Caledonia, if and when possible.

It is not yet known how many short-term consultants will be required, or what type of work they will be doing. They will possibly be a mix of local workers and international workers, including people coming from other Pacific Islands countries (PICs).

The team will be composed of both male and female workers. All Project Workers will be 18 years, or older.

Timing of Labour Requirements:

SPC Technical Staff will work on the project as needed during its five-year duration. The Project Manager will contribute about one-third of his/her time while others will contribute less than a quarter of their time. Collectively, they will be skilled in management, statistics, economics and administration.

The Long-Term Consultants are expected to be in place by May 2021 and remain for either 4.5 years, or 3 years as per their contracts.

It is not clear at this stage when short-term consultants are likely to be needed, nor where. They will require statistical and research skills, and some will need to be able to adapt new statistical methodologies to the circumstances of PICs.

Skill Sets of Project Workers:

SPC Technical Staff assigned to the project have a wide range of experience and expertise in the areas of management, finance, administration and procurement, as well as the technical aspects of the project. The team also has access to advice from other specialist areas in SPC, such as Human Resources and Legal.

The Long-Term Consultant (Welfare Economist) will preferably have a background in welfare statistics. The Welfare Economist will bring an understanding of economics and economic indicators, including methodologies for their construction and analysis.

The Long-Term Consultant (Statistics Advisor) will have experience in the application of survey methodologies to PICs and a range of statistical knowledge. The Statistics Advisor provides knowledge of survey implementation, sample design, and the generalizability of results.

The key personnel to implement the innovations agenda will be the Welfare Economist and Statistics Advisor. The expertise targeted in the procurement of these two workers come together to provide the main technical experience for designing, implementing, and analysing the results of the innovation.

The Long-Term Consultant (Harmonisation Advisor) will be experienced in the development and use of welfare indicators and in the use of statistical databases. The Harmonisation Advisor will be responsible for harmonizing key welfare indicators produced from household income and expenditure surveys, with respect to both historical and future datasets, including developing guidelines to standardize processes for harmonization and anonymization of such data.

Short-Term Consultants will require different skills depending on the nature of the research projects and innovative experiments. Their skills could include research, knowledge and application of statistical techniques, and implementation of surveys in the field.

The Project Operations Manual sets out procedures to ensure appropriate consultants are recruited.

Contracted Workers:

In addition to the individual consultants to be contracted through the Project, there may be a need for engagement of Contracted Workers through the contracting of firms, or government agencies. Contracted Workers will be engaged through the installation of the video conference equipment under Component 2 of the Project. In addition to this, it is possible that Contracted Workers will be engaged through Component 3 of the Project (innovative experiments), however given activities under Component 3 of the project are yet to be defined, it is not yet clear if Contracted Workers will be engaged and in what capacity. Component 3 of the Project may require the engagement of Contracted Workers through the contracting of a firm to carry out specific work relating to the project, or through sub-granting arrangements with government agencies (most likely, the National Statistics Office) in Pacific Island countries.

For procurement of firms, template provided in the Bank’s Guidance Note for the Pacific (“Making Procurement Work for Fragile and Small States in the Pacific under World Bank Investment Project Financing following the Procurement Regulations for IPF Borrowers”) will be used and the firm will therefore be subject to the general terms and conditions as set out in the template.

For on-granting to government agencies, the Financing Agreement specifies that on-granting will be subject to ex ante execution of a Partnership Agreement, which will require the recipient to carry out the Experiment with due diligence and efficiency and in accordance with sound technical, economic, financial, managerial, environmental and social standards and practices satisfactory to the Association, including in accordance with the provisions of the Project Operations Manual, the ESS instruments and the Anti-Corruption Guidelines applicable to recipients of financing proceeds other than the Recipient. The Partnership Agreement template is appended to the POM.

2. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

This section describes the following, based on available information:

Direct Workers (SPC workers) Potential risks

Management of the project will be done by SPC Technical Staff in Noumea, and travel to selected PICs will be required to oversee activities.

The three Long-Term Consultants will be home-based, or based in New Caledonia. The Harmonisation Advisor is unlikely to travel, but the need may arise. Their work is essentially research into appropriate indicators and development of data collection modules to collect data needed to derive indicators, as well as assist PICs to implement suitable measures. They will also produce a set of guidelines on harmonization and anonymization to guide ongoing work. The Welfare Economist will be responsible for supporting analysis for and dissemination of national poverty statistics as well as producing regionally comparable statistics. They will be required to travel to selected PICs to assist with in-country activities. The Statistical Advisor will be responsible for providing technical expertise to the PSMB and may be required to conduct relevant statistical research. The Statistics Advisor and Welfare Economist will be primarily responsible for oversight of statistical research and of the experiments, so will be required to travel to selected PICs.

As required by the World Bank, and by SPC’s Health and Safety Policy, a Risk Assessment relating to Labour issues has been conducted, with results incorporated in the ESCP. The ESCP assessed the project as having low risks, given the nature of work to be undertaken by the project. No specific labour risks were identified. As indicated above, some travel would normally be required. The conditions of entry and exit from the relevant PICs must be studied in order to assess the feasibility of travel, visas, and permits specific to the activity to be undertaken, and necessary equipment. In light of COVID-19, travel will be limited as much as possible and recommended precautions will be undertaken.

The contractors to the Project are deemed to be of generally low labour risk.

SPC has a range of policies and guidelines in place to reduce risks. These are listed and links provided in section 6 below.

Contracted workers (Data collectors) potential risks

The project includes the conduct of Innovative Experiments, which may require the employment of Local Workers in a Beneficiary Country. These activities are covered by the Grant funding under the project. SPC has experience in the administration of project workers that are employees to SPC, however their administration is generally cumbersome and management challenging. As such, where an Innovative Experiment calls for the employment of local labour to support the implementation of the experiment, Local Workers will be engaged by the Beneficiary Country. It is expected that in almost all cases, Local Workers will be hired as contracted workers by the National Statistics Agency of the Ministry of Finance of the Beneficiary Country; under the Grant agreement this would mean they are considered employees of the beneficiary Government.

Risk identified in relation to data collectors that may be engaged¹ via the Project would mainly surround those that relate to the collection of information from various sources (e.g., enumerators who may collect information from households via face-to-face interview). Risks could include harassment when conducting face-to-face interviews; travel to remote locations (potentially travel by sea, road, air, on foot) and exposure to different and potentially poor quality living conditions; potential for abuse, animal attack, adverse weather events. Data collectors may have equipment that would be subject to thievery.

The National Statistics Agency has significant authority in the implementation of statistical activities and they are likely to be considered the most qualified and likely agency to host an Experiment and therefore to hire Local Workers. Given the National Statistics Agency's experience in the conduct of census and survey, the project will borrow from prior experience to manage Local Worker risk. For example, Workers might work in pairs, or Local Workers will be employed to work in their home island, so they have local knowledge. The National Statistics Agency will provide significant input into the Research Proposal, including the ESCP review and Contracted Worker conditions.

While these sorts of activities are business as usual for employees of the National Statistics Agency during the conduct of census and survey, they are identified as potential project risks.

¹ It is emphasised that it is most likely that any engagement of labour (and Project Stakeholders in a Beneficiary Country) will occur through a Government Agency. The Government Agency's role and responsibility in relation to the implementation of the Experiment will be guided by a Partnership Agreement and a Grant Agreement, where applicable. The Project Operations Manual specifies that a specific Research Proposal must accompany every Experiment and there is a section that calls for an ESCP review and identification of new risks, including those relating to Contracted Workers.

3. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

SPC is an intergovernmental organisation, immune from the application of national labour legislation to its SPC staff. Instead, the relevant rules applicable to SPC staff are contained in SPC's Manual of Staff Policies, which outline the organisational duty to:

- a. pay staff regularly at either monthly or fortnightly intervals depending on position and duty station;
- b. set the working hours for staff at 37.5 hours per week;
- c. provide paid leave as follows:
 - i. 25 days of annual leave per year;
 - ii. 30 days of sick leave per year;
 - iii. up to 12 months of paid leave for staff who have become incapacitated due to their work for SPC;
 - iv. 5 days of carer's leave;
 - v. 10 days of compassionate leave;
 - vi. 16 weeks of maternity leave;
 - vii. 15 days of parental leave;
 - viii. 10 weeks of adoption leave;
 - ix. Sufficient time and place each day for staff to breastfeed.
- d. Deduct wages only for unpaid debts to SPC and to retain a bond for housing expenses upon separation from service.

The Consultants to be recruited will have the status of independent contractors, not staff members. Therefore, they are not entitled to any privileges and immunities under international law. They are compensated on a fee-for-service basis, responsible for their own time management. As part of their contract conditions, they must comply with all laws, ordinances, rules, and regulations bearing upon the performance of its obligations under the terms of the contract. Because they are independent contractors, SPC compensates them on a fee-for-service basis, so they will not be entitled to the various types of paid leave that SPC offers its staff.

Based on SPC's Health and Safety Policy, all employees and contractors are required to prove their medical fitness before appointment.

Local Workers – as government employees – will be subject to local labour laws.

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

This section sets out the **key aspects** of the national labour legislation with regards to occupational health and safety, and how national legislation applies to the different categories of workers identified in Section 1. The overview focuses on legislation which relates to the items set out in ESS2, paragraphs 24 to 30.

Since SPC is an intergovernmental organization, national labour legislation on occupational health and safety does not apply to SPC. Occupational health and safety are guided by SPC's relevant policies. To that

end, SPC has in place a Health and Safety Policy as part of its Manual of Staff Policies, and various guidelines pursuant to the policy to give effect at operational level.

The SPC Health and Safety Standard Operating Procedure (SOP) specifies a number of actions that need to be taken to implement an appropriate Injury Management / Rehabilitation Program. These actions will be undertaken by the project.

5. RESPONSIBLE STAFF

This section identifies the functions and/or individuals within the project responsible for:

- engagement and management of project workers
- engagement and management of contractors/subcontractors
- occupational health and safety (OHS)
- training of workers
- addressing worker grievances
- preparing Research Proposals
- negotiating Partnership Agreements and Sub-Grants with Beneficiary Country

The Statistics for Development Division is the implementing Division of SPC. The Project Steering Committee (PSC) consists of:

- i. Director, SDD (Chair)
- ii. Manager, Data Analysis and Dissemination
- iii. Economic Statistics & Microdata Specialist
- iv. Finance and Administration Officer
- v. Procurement Officer

The Project Manager role will be undertaken by the Economic Statistics & Microdata Specialist and the three Long-Term Consultants will report to this position.

The Manager, Data Analysis and Dissemination, Economic Statistics & Microdata Specialist, Finance and Administration Office and Procurement Officer, and the Long-Term Consultants, will be responsible for the engagement of workers. Management of workers will mostly be done by the Economic Statistics & Microdata Specialist, with support from PSC.

Where necessary, local contractors/labour will be contracted/employed through sub-granting arrangements with the Ministry of Finance (National Statistics Agency). The arrangements for this will be guided by the Partnership Agreement and, if applicable, a Sub-Grant Agreement.

SPC has an Occupational Health and Safety policy.

Training will be provided by project contractors – particularly the Long Term Consultants – both virtually and face-to-face, where possible. Training will mostly be delivered to government employees, but Local Workers contracted for project-related activities may also receive training. The training of government employees would mainly surround statistical methods in relation to the production and use of poverty-statistics, and implementation and findings of experimental research in welfare statistics.

Direct contractors to the project will be engaged following the World Bank’s Procurement Implementation Guidance (ProcGuide). Refer the Procurement Manual to the Project Operations Manual for information on procurement.

In the case that Local Workers (and Stakeholders) are engaged in project activities, and for government employees participating in training or other project-related activities, we will develop an information flyer that will provide access to SPC’s procurement complaints (<https://www.spc.int/procurement>) procedures. This will provide project Labour and Stakeholders access to a Project grievance mechanism.

6. POLICIES AND PROCEDURES

SPC has a range of policies, procedures and guidelines in place.

SPC’s *Manual of Staff Policies* contains a chapter to specifically cover work culture and behaviours. This Chapter addresses issues of discrimination, bullying, harassment, sexual harassment and sexual exploitation, violence in the workplace, domestic violence, child and vulnerable adult protection, among others. These policies that regulate the behaviour when working for or with SPC apply not only to SPC employees but is organisation-wide and will also be applied to consultants to be recruited.

With regards to grievance for workers, SPC’s *Manual of Staff Policies* outlines grievance procedures for SPC employees. This includes an internal grievance process, with a right to review to a panel appointed by SPC, through to an appeal to the International Labour Organisation Administrative Tribunal. SPC’s [Procurement](#) web page provides procedures for complaints during the procurement phase. SPC’s [General Contract Conditions](#) outlines dispute resolution procedures for consultants and other contracted workers.

SPC’s Health and Safety Policy outlines SPC’s OHS principles and designates responsibility. The policy addresses consultants to SPC and the establishment of a Health and Safety Committee. SPC has a Health and Safety Advisor. The SPC Health and Safety Standard Operating Procedure (SOP) addresses the requirements of Chapter X of the Health and Safety Policy. It outlines the procedures required relating to Risk Assessment of the Project, Medical Fitness of workers, Skill Sets of workers, Injury Management / Rehabilitation, and Organisational aspects. Where relevant, these requirements have also been incorporated into this LMP document.

Further, SPC also has a *Social and Environmental Policy* in place. It promotes and drives continuous improvement of SPC’s social and environmental performance by embedding a people-centred approach across its programmes, projects and activities, and assessing and managing social and environmental risks,

impacts or opportunities in all SPC activities and projects. The policy intends to strengthen the involvement of staff and stakeholders in defining and implementing social and environmental performance standards, and meet the International Finance Corporation's Environmental and Social Performance Standards and align with internationally recognised better development practice.

The Project will develop an information flyer, with grievance procedures, and it will endeavor to ensure all stakeholders have access.

The Project Operations Manual provides a detailed description of the operational arrangements for Innovative Experiments, which include review of ESCP. The Project protocol of having a Research Proposal for every Experiment was in part put in place to ensure that ESCP is continually reviewed, particularly given that the nature of the Innovative Experiments – and the required labour – is yet to be defined.

7. AGE OF EMPLOYMENT

All SPC Technical Staff and Consultants will be aged 18 or over. In reality, given the experience and knowledge required to undertake the work identified, they will all be significantly older than 18.

The supply and installation of teleconferencing facilities will be contracted to a local company who will be made aware of relevant SPC policies, as well as signing a contract that contains a standard term not to be engaged in child labour. SPC requires contracting companies to provide the names of key personnel to be working. If underage workers are found working on the project, SPC applies a zero-tolerance stance and terminates the contract immediately.

8. TERMS AND CONDITIONS

All terms and conditions of SPC staff are contained in SPC's [*Staff Regulations and Manual of Staff Policies*](#). Together, the instruments cover:

1. The basic conditions of service and the rights, duties and obligations of staff of SPC, and the power transferred to the Director-General to issue policies consistent with those conditions approved by SPC's governing body;
2. The code of conduct, duties and obligations to all staff
3. SPC's recruitment and appointment process
4. Remuneration, benefits, allowances and other entitlements for staff;
5. Working hours and leave;
6. Staff travel;
7. Performance development and learning;
8. Staff Committees;
9. Health and Safety;
10. Work culture and behaviours, which contain the previously mentioned policies on discrimination, harassment, child and vulnerable adult protection, domestic violence, fraud and corruption, among others;
11. Investigations and disciplinary actions;

12. Reviews and appeals against SPC's decisions to staff;
13. Separation from service; and
14. Other forms of engagement beyond staff positions.

Many of these policies create obligations for SPC to apply the same commitments to consultants too. Further, all consultants will be required to sign contracts which will be approved by the World Bank prior to advertising positions.

The supply and installation of teleconferencing facilities will be contracted to a local company who will be made aware of relevant SPC labour conditions.

Contracted Workers will be procured in accordance to the Financing Agreement, and World Bank templates will be used by the project, including Terms and Conditions. The Research Proposal will provide the Project an opportunity to address any Experiment-specific identified ESCP Risks in the preparation of the Research Proposal.

9. GRIEVANCE MECHANISM

SPC's *Manual of Staff Policies* is available for all staff members to consult on SPC's Intranet. Chapter XIII of the Manual provides a system of review and appeals for SPC staff. It allows staff to request a review of decisions where:

- a. the staff member has raised a grievance for a decision made under any of SPC's Staff Regulations or Staff Policies that has not been resolved; or
- b. the staff member's employment conditions have been adversely impacted by a decision made under a regulation or policy, including the imposition of disciplinary actions

The Director-General will appoint a different decision-maker who will conduct inquiries and make their own decision relating to the grievance. If the staff member remains unsatisfied with this new decision, they may appeal it to the Review Panel. The Review Panel is a body created under SPC's *Manual of Staff Policies* to review the staff member's appeal. It is composed of a member of the governing body, a senior member of staff and a representative from the Staff Representative Committee. If, following the Review Panel process, the staff member remains unsatisfied with the outcome, the staff member may file an appeal to the International Labour Organisation Administrative Tribunal, whose decision will be final.

For consultants, SPC's disputes resolution process with consultants are contained in the general conditions of contracts. If an issue were to arise between SPC and a consultant, both Parties shall use their best efforts to settle amicably the dispute, controversy or claim. If it is not settled within sixty days of one Party notifying the other of a request for amicable settlement, the dispute can be referred by either Party to arbitration in accordance with the general principles of international law. The arbitration will be governed by the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL) as at present in force. The arbitral tribunal shall have no authority to award punitive damages.

The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute.

In the case that Local Workers (and Stakeholders) are engaged in project activities, and for government employees participating in training or other project-related activities, we will develop an information flyer that will provide access to SPC's procurement complaints (<https://www.spc.int/procurement>) procedures. This will provide project Labour and Stakeholders access to a Project grievance mechanism.

10. CONTRACTOR MANAGEMENT

Contractors will be procured following the World Bank's Procurement Implementation Guidance (ProcGuide) and based on its associated templates and conditions. Performance management will be set out in the contract and the Annual Work Plan will set out specific activities and deliverables for each contractor. Along with the Annual Work Plan, the Project Development Objective Indicators and the Intermediate Results Indicators by Component will serve as a basis for measurement of performance.

Contractors to SPC are currently engaged under three general arrangements: i. Time-based; ii. Outcome-based; or iii. A combination of time-based and outcome-based. Contractor are therefore paid based on the pre-described conditions of payment and are required to provide evidence of completion of outputs as specified in the contract (e.g., time sheet and/or specific deliverables to the satisfaction of SPC).

SPC's General Conditions for Contractors include provisions for dispute resolution (17. SETTLEMENT OF DISPUTES: The Parties will use their best efforts to settle amicably any dispute, controversy or claim arising out of, or relating to this Contract or the breach, termination or invalidity thereof. If a dispute is not settled within sixty days of one Party notifying the other of a request for amicable settlement, the dispute can be referred by either Party to arbitration in accordance with the general principles of international law. The arbitration will be governed by the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL) as at present in force. The arbitral tribunal shall have no authority to award punitive damages. The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute).