

MINDANAO INCLUSIVE AGRICULTURE DEVELOPMENT PROJECT

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KABUHAYAN AT KAUNLARAN NG KABABAYANG KATUTUBO**MINDANAO INCLUSIVE
AGRICULTURE DEVELOPMENT
PROJECT (MIADP)****LABOR MANAGEMENT PROCEDURE (LMP)****OCTOBER 2021**

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I. INTRODUCTION

1. This **Labor Management Procedures (LMP)**, has been prepared within the context of the **Mindanao Inclusive Agriculture Development Project (MIADP)** of the Republic of the Philippines with the Department of Agriculture (DA) as implementing agency.

2. The development objective of MIADP is **“To sustainably increase agricultural productivity, resiliency, and access to markets and services of organized farmer and fisherfolk groups in selected ancestral domains and for selected value chains in Mindanao.”** The Project has four (4) inter-linked components as follows:

- a) ***Component 1: Ancestral Domain Planning and Social Preparation.*** This component will support ICCs/IPs in moving from subsistence farming to a more organized, market-oriented production, based on sustainable management and protection of natural resources in the ADs, and with full consideration of the cultural context. Technical assistance will be provided through qualified Technical Service Providers (TSPs), with back-up support from the DA-Regional Field Offices (RFOs) and LGU staff.
- b) ***Component 2: Resilient Ancestral Domain Agri-Fisheries Infrastructure*** will increase the climate resiliency of producers in ADs by providing climate-proofed infrastructure identified in the ADAIFs to strengthen food supply and value chains, including infrastructure that improves physical access to markets. This activity will be carried out through AD-LGU subprojects, co-financed by the DA (loan proceeds and government counterpart funds) and LGUs, and implemented by the LGUs. As AD boundaries do not always fall within those of one LGU, procedures will need to be developed for dealing with this issue, including possible counter-parting at the provincial level.
- c) ***Component 3: Ancestral Domain Agri-Fisheries Production and Enterprise Development*** will support registered IPOs to develop enterprises that increase their agricultural productivity, resiliency, and access to markets and services. It will support both the start-up and expansion of registered IPO enterprises to produce commodities and products based on Business Plans and market opportunities that are consistent with Indigenous Knowledge, Systems, and Practices (IKSPs). The component will also integrate natural resource management and climate-smart agricultural practices into enterprise subprojects to ensure investment sustainability and build climate resiliency.
- d) ***Component 4: Project Management and Support, Monitoring, and Evaluation.*** This component will provide support for the significant planning, coordination, implementation, and logistical costs entailed in ensuring appropriate levels of engagement with the IPS and IPOs.

3. Beneficiaries of the project include Indigenous Peoples Organizations (IPOs) and indigenous cultural communities and/or indigenous peoples (ICCs/IPs) in the eligible ancestral domains (ADs) as recognized by National Commission on Indigenous Peoples (NCIP). Target ICC/IPs must meet the eligibility criteria, namely: (i) an NCIP-approved Ancestral Domains Sustainable Development and Protection Plan (ADSDPP); (ii) a Certificate of Ancestral Domain Title (CADT); and (iii) at least one IPO legally recognized by NCIP, and duly registered with an accredited government institution, namely Cooperative Development Authority (CDA), Securities and Exchange Commission (SEC) or the Department of Labor and Employment (DOLE); and (iv) for ADs in Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), a Certificate of Native Title or an acceptable tenurial instrument will be required in place of a CADT. The said tenurial instrument must be supported by a cadastral survey and a certification from BARMM regional government.

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4. The DA will be the lead implementing agency of MIADP and will establish linkages and partnership with concerned agencies, especially with the NCIP, BARMM, and the local government units (LGUs) through formal instruments. The DA will also collaborate with other agencies, such as State Universities and Colleges (SUCs), research and academic institutions, and private sector groups to complement resources, align activities with local plans and initiatives, and strengthen participatory governance. Implementation and advisory units will be established across levels of implementation – national, regional, and local – to ensure the effective and timely delivery of project targets.

5. The total project cost is estimated at US\$125.00 million or Php 6.250 billion covering a six-year implementation period. The World Bank loan amounts to US\$100 million (equivalent to Php5.0 B), representing 80% of the total project financing. The remaining 20% of the total project cost (TPC) will come from the DA (Php831.45 M or 13.3%), LGUs (Php356.05M or 5.7%), and IPOs (Php62.50 of 1%).

6. The purpose of the MIADP LMP is to establish the guidelines on labor matters, including the issues of health and safety at work, child labor, fair treatment, non-discrimination and equal opportunities for the workers of the Project. This is to ensure that MIADP implementation will be in accordance with labor and employment standards, particularly in terms of: (i) protection of the safety and welfare of the workers; (ii) fair treatment, equal opportunity and non-discrimination among the workforce; (iii) providing additional protection to the vulnerable workers such as women, persons with disabilities and prevention of child labor and/or forced labor; (iv) support for freedom of association and collective bargaining of project workers in a manner consistent with national laws; and (v) providing project workers with accessible means to raise workplace concerns.

7. This LMP was prepared by the DA in close consultation with partner agencies and in consultation with regional DA offices, representatives of LGUs as well as officials and members of IPOs in 5 regions. The LMP, will be reviewed periodically and enhanced accordingly based on additional information/ experiences during implementation and as deemed relevant.

8. It should be noted that the context in which the Project will be implemented requires particular attention to the following topics: (a) protection of community labor as well as community health and safety; (b) adequate training on LMP among the IPOs to ensure that they understand, adopt, implement and monitor the compliance to the LMP; and, c) orientation and training of all national and sub-national stakeholders to ensure support to the provisions of the LMP.

II. OVERVIEW OF THE PHILIPPINES' LABOR LAWS AND THE REQUIREMENTS OF THE ENVIRONMENTAL AND SOCIAL STANDARDS ON LABOR AND WORKING CONDITIONS (ESS 2)

9. The LMP has been prepared in accordance with the applicable Philippine laws and regulations, international agreements and conventions on labor matters ratified by the Philippines before international organizations such as the ILO, the General Guidelines on Environment, Health and Safety of the World Bank¹ Group and the ESS2 of ESF of the World Bank. It serves to provide for the minimum working conditions for the development of the Project, and aims to address the labor risks and issues that may arise during Project implementation. In cases of discrepancy between the Philippine regulations and ESS2, ESS2 prevails for the purposes of Project implementation.

¹ The guides can be found in the following link <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/157871484635724258/environmental-health-and-safety-general-guidelines>

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10. It should be noted that Philippine labor legislations and their implementing rules and regulations (IRR) address the requirements of ESS2 as can be seen in Annex 1. Likewise, full protection to labor is enshrined and labor rights are guaranteed in the 1987 Philippine Constitution, which implies that the rights of the workers are given recognition in the highest hierarchy of laws under the Philippine legal system. The following are the highlights of the Philippine labor laws to which will govern the Project's labor.

A. Legislations/Policies on Labor Terms and Conditions

11. The Government of the Philippines guarantees the protection and promotion of labor as provided in its present Constitution². The labor legislation for the private sector is governed by the Labor Code of the Philippines³ and its implementing rules promulgated by the Department of Labor and Employment (DOLE). On the other hand, labor workers under the government is primarily governed by the Civil Service Rules issued by the Civil Service Commission (CSC). The labor code and its rules provide the standards and criteria for labor from recruitment to termination and the procedures and remedies for disputes, claims and other grievances. In particular, they provide among others the standards on the hours of work, wages, rest periods, holidays, leaves, thirteenth (13th) month pay and bonuses, provisions on women, minor, or handicapped workers, occupational health and safety, separation and termination pays, back-wages and reinstatement, provisions against discrimination as to gender, religious and political belief and marriage status, provisions safe-guarding the right to self-organization, collective bargaining, strikes and peaceful protest, employees compensation and mandatory insurance coverage. Except for the right to strike, the aforementioned standards applicable to the private sector are also provided under the Civil Service law and rules.

12. Project workers that will be engaged by the government under Contract of Services (COS) or as Job-Orders (JO) are not governed by the Civil Service law. However, the rules and regulations governing such engagements is governed by Joint Circular (JC) Nos. 1 Series of 2018 and 2017 promulgated by the Civil Service Commission (CSC), the Commission on Audit (COA) and the Department of Budget and Management (DBM). These provide among others the minimum wages which should be equivalent to the daily wage/salary of comparable positions in the government and a premium of up to 20% effective January 1, 2019.

B. Legislations/Policies on Occupational Health and Safety (OHS)

13. Provisions on Occupational Health and Safety (OHS) are found in Articles 162 to 165 of the Labor Code of the Philippines (PD 442). These provide the guidelines for the provision of first-aid treatments, emergency medical and dental services, health program, and arrangements for emergency hospital services where there are no accessible emergency hospitals, provision of health personnel and assistance of the employer for medical and dental treatment. These also provide the standards for safety and health, training and their administration and enforcement.

14. Occupational Health and Safety Standards for the public sector is governed by Joint Circular (JC) No. 1 Series of 2020 issued by the CSC, the Department of Health (DOH), and DOLE. The guidelines enumerate the provisions for reasonable working conditions such as the provision for adequate fire and safety mechanisms including the adoption of the standard colors of signs for safety instructions, facilities for persons with disabilities, good housekeeping, sanitary facilities, spacing requirements, indoor air-quality, provisions for personal protective equipment, handling, storage, use and disposition of hazardous materials, and provision for health clinics and treatment room. It also provides for the contingency plans and training for emergency preparedness and the provision of emergency supplies, the provision for occupational and health safety program, facilities including recreational facilities and support for the aged, differently

² Articles II Sections 9, 10, 11, 13, 14, 18, and 20; III Sections 1, 4, and 8; XIII Sections 1, 2, 3, and 14

³ Presidential Decree No. 442

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abled and with limited capacities, and provisions on working hours, break and leave privileges and the general working environment. The guidelines apply to all government workers including those engaged through Contract of Service (COS) or Job Orders (JOs).

C. Legislations/Policies on the Public Health Management for Project Workers

15. For the MIADP implementation of Infrastructure Projects (under IP-RAPID) during this Covid-19 health crisis, the Department of Public Works and Highways (DPWH) issued Department Order (DO) No. 39 Series of 2020 to set the safety and health standards for project workers before and during their deployment such as the provision for mandatory health checks, adequate food and potable water, soaps and disinfectants, wearing of additional protective equipment, sanitation, disinfecting of offices, and waste disposal procedures, and for their monitoring and enforcement.

16. With this, the MIADP will ensure that this mandate will be complied before, during and after the project proper. A regular project health report (particularly monthly) will be submitted by the sub-project contractors to be reviewed and evaluated by the RCSPOs then submitted to the PMO.

D. Legislations/Policies on Protection of Vulnerable Workers

17. MIADP will ensure that that the labor and working conditions will not allow discriminatory practices at work place and will not involve forced labor nor child labor at no instance in accordance with the Labor Code of the Philippines and other applicable laws. No person under the age of 18 will be employed 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. OVERVIEW OF LABOR TERMS OF THE PROJECT AND CHARACTERISTICS OF PROJECT WORKERS

A. Number of Project Workers

18. The MIADP Project Management Office (PMO) will be composed of approximately 160 employees; about 46 of whom will be assigned at the National Project Management Office (NPMO) while 114 will be deployed at the DA Regional Field Offices to under field-level operations in targeted Ancestral Domains. This estimate is based on the conducted Project Feasibility Study of the MIADP Team.

19. As part of the community investment and enterprise development plans, the IPOs will identify the required type and number of workers, who will be engaged in implementing their plans, which could include technical service providers and/or contractors (individual and/or firm) as well as workers.

B. Timing of Labor Requirements

20. The project staff at the national and regional levels will be hired, trained and deployed within the first 3 months of implementation. The contractors/service providers and community workers will be determined based on the investment and enterprise development plans by each of the participating IPO.

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C. Direct Workers (DW)

21. These refer to the people employed directly by DA to work specifically in relation to the project. The National and Regional Project Management Offices will be comprised of designated regular DA personnel as well as full-time or dedicated project staff who will be responsible for project implementation. As government employees, the project director workers or staff shall be hired subject to the existing terms and conditions and working arrangements of the government

D. Contracted Workers (ConW)

22. The contracted workers (estimated from 10 to 50 workers) are people employed through third parties to perform work related to core functions of the project, regardless of location. Third parties may include contractors, subcontractors, or intermediaries. The MIADP will have arrangements with public and private institutions to augment workforce for the Implementation. The State Universities and Colleges (SUCs) and Technical Educational & Skills Development Authority (TESDA) will be contracted for technical training, organizational development and other informational/training activities that would be required to implement the investment and enterprise development plans of the ADs. For community investment plans, local private contractors will be mobilized to construct proposed small infrastructures and/or community workers could be mobilized. The number of contracted workers (individual/firm) would be determined during implementation since this will be contingent on the AD plans.

E. Community Workers (ComW)

23. These refer to the non-skilled or non-specialized labor workers, the MIADP will give priority in hiring members of the IP Communities. This will also be applicable to the Contractors of the Project/Sub-Projects. The IPO, with the assistant of the RPMO of each region will be in charge for the organization and management of qualified community workers. The number of community workers would be determined during implementation since this will be contingent on the AD plans. There will be a chance that some of the community workers can contribute to the labor works on a voluntary basis to help offset the cost of the infrastructures.

IV. ASSESSMENT OF KEY POTENTIAL LABOR RISKS AND IMPACTS

24. In order to implement prevention and mitigation measures, the DA has identified the following major risks that could violate the rights of all Project workers:

A. Occupational Health and Safety (OHS) Risks

- a. Accidents and injuries from harsh working environment and lack of OHS measures especially in the implementation of the sub-projects of the IP-RAPID (Component 2);
- b. Possible exposure to hazardous chemicals and emission of water and air pollution from enterprise and agricultural activities and livestock farms (IP-PROCEED);
- c. Presence of aggressive wildlife animals (e.g. snakes, crocodiles, etc.) which may attack project workers;
- d. Animal diseases that may be transferred to humans such as foot and mouth disease (FMD), swine flu, bird flu, mad cow disease and others.
- e. Accidents from agriculture equipment operations or due to transportation mishaps, tramline, etc.

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- f. Exposure to virus and spread of communicable diseases, including Covid-19, the HIV/AIDS and other communicable diseases.

B. Child Labor or Forced Labor

- a) The possible full employment of children below 18 years of age
- b) The possible abuse of the project workers who are forced by their employers/contractors to perform heavy physical task/activity that they are not fit to undertake, thereby violating their free will and rights as human beings.

C. Cultural Sensitivity

- a) The possible abuse/exploitation of the IPs/ICCs' cultural properties and practices (tangible and intangible) during the project implementation.

D. Labor Disputes on Employment Terms and Conditions

- a) Delay of processing of wages
- b) Disagreement with the working conditions and health and safety concerns in the work environment.
- c) Unequal distribution of tasks and unresolved grievances.
- d) 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.

E. Security Risks

- a) The possible interruption of the project due to peace and security conflicts that may arise during the implementation stage of sub-contractor.

V. RESPONSIBLE STAFF/UNITS FOR LMP IMPLEMENTATION

25. All obligations on labor matters assumed by the DA will be transmitted, through contractual clauses, to contractors or third parties in order to guarantee compliance with the LMP. However, the major responsibility to supervise and guarantee compliance will fall on the following:

A. The Project Management Office (PMO)

26. The Mindanao-based PMO will serve as the overall coordination, support and management office, with oversight from the MIADP Central office PMO. The PMO will be responsible for facilitating and coordinating implementation of the project in each region including the implementation of the Labor Management Procedures/Plan.

B. The Regional Project Management Office (RPMO)

27. The concerned RPMO shall be responsible for the engagement and management of project workers within their respective regional jurisdictions. Major responsibilities will include the training of project workers on the LMP, including the OHS and resolution of labor-related grievances. Specifically, the RPMO shall be responsible for the following:

- a) Ensure the compliance of Environmental and Social Safeguard requirements including the LMP;

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- b) Undertake the implementation of the MIADP within their respective regions with ancestral domains;
- c) Undertake the Training/Orientation/Capacitation of Project Workers;
- d) Identify the potential risks and mitigation measures on safety-related issues during the conduct of the activities;
- e) Develop and implement the grievance mechanism for direct workers and community workers, including the management and arbitration of labor grievances;
- f) Safekeeping of project records of recruitment and employment of hired project workers;
- g) Provide regular trainings for direct workers on Environmental and Social Safeguards, OHS and other related programs;
- h) Monitor and manage records of contracted workers hired by subproject contractors; and
- i) Prepare and submit Labor and OHS regular reports to the World Bank (WB) through the PMO that will include safety and accident data.

C. The Local Project Management and Implementing Unit (LPMIU)

28. The LPMIU will represent the LGUs under the MIADP. Since the LGU will be in charge of the bidding and awarding of contractors (Procurement Process) particularly with regard the investment and enterprise development plans, the LPMIU will monitor the compliance to the LMP by the subproject contractors.

D. The Community-Based Project Monitoring and Evaluation Team (CPMET)

29. The composition of the CPMET will be the concerned Indigenous People (IPs) representatives, the Civic Society Organizations (CSO), Non-Government Organizations (NGOs), and the Academe which will be an independent but integral body of the MIADP. The CPMET will be focusing on the monitoring of compliance of the community workers and the project contractors to the guidelines of the LMP.

E. The National Commission on Indigenous People (NCIP)

30. The NCIP will assist the MIADP including the LGU Project Implementers and the subproject contractors in hiring of IPs/ICCs who will work for the Project. The NCIP may provide a list of qualified Indigenous People which will be selected by the MIADP Implementers and Contractors, ensuring that these are done in compliance with the LMP. NCIP will also assist the IPs/ICCs during the consultations and the review of the ADSDPPs.

VI. POLICIES AND PROCEDURES OF THE PROJECT

31. The DA as well as the contractor and subcontractor will have the following regulatory instruments to manage health, safety and working conditions issues:

A. MIADP Policies to Prevent Discrimination

32. Any distinction or preference based on any reason such as race, color, sex, language, religion, political opinion, national or social origin, sexual orientation, gender identity, and others, will be considered as discrimination. For this reason, the Project will not allow any act that are discriminatory based on the provisions of the Labor Code and other applicable laws.

B. MIADP Policies on Occupational Safety and Health

33. The Project will comply with all national regulations regarding safety and health at work in accordance with RA11058, CSC-DOH-DOLE Joint Memorandum Circular No. 1, s. 2020 and

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other regulations indicated as well as regulations on labor-related COVID-19 issuances in Annex 1. Among the most common risks of non-compliance with this regulation are accidents in work, occupational diseases, among other possible risks. The concerned DA-RPCSOs shall ensure that the project workers are protected against possible occupational risks through the following measures:

- a) The PMO, through the RPCSO and the sub-project contractor's safety officer , shall conduct a survey regarding the potential hazards in the project;
- b) The PMO, through the RPCSO and the sub-project contractor's safety officer , shall orient the workers regarding basic safety measures through safety orientation programs before and during the implementation ;
- c) All Project Workers must submit medical certificates be evaluated by the personnel office of the sub-project contractor. During construction, the contractor will conduct Covid-19 testing of workers at the contractor's expense as a health measure to prevent spread of Covid-19 at the work site. The standard health protocols prescribed by the Inter-agency Task Force against Covid-19 will be strictly followed. It is the responsibility of every stakeholder, particularly the sub-project contractors and the project managers (PMO/RPCSO/LPMIU) to ensure health and safety of workers and at the same time avoid or not to allow any form of discrimination when it comes to the project workers especially to the community workers which are the IPs/ICCs.
- d) The PMO, through the RPCSO including the sub-project contractor's safety officer for each component (IP-RAPID and IP-PROCEED) must submit documents and reporting of incidents on occupational safety / hazards issues to the Local Safety and Health Office (LGU) for Evaluation and Monitoring;
- e) The sub-project contractor's safety officer, guided by the RPCSO must prepare an Disaster Evacuation Plan to be submitted to the MIADP PMO; and
- f) The sub-project contractor's Safety Officers, guided by the RPCSO together with the Medical Staff (Project Doctors and Nurses) shall be at all times available to respond to any injury that the workers acquired during work.

34. The MIADP will mitigate occupational hazard and risks, the Project Implementer or the Subproject Contractor shall provide appropriate personal protective equipment (PPE) particularly in the infrastructure subprojects and enterprise activities which may expose the project workers to hazardous chemicals.

- a) The Project Workers of the MIADP, particularly in the Infrastructure Implementation shall be trained on how to handle endangered species without hurting or killing the latter. A representative from the Municipal Environment and Natural Resources Office (MENRO), an IPs/ICCs member or Barangay Official (LGU) who is knowledgeable or trained to control wild animals may guide Project Workers when deployed in or near Environmentally Protected Areas (PAs).
- b) In areas where AD plans will involve livestock production sub-projects, MIADP will prohibit the consumption or contact with livestock and poultry animals which are infected by harmful diseases. The Provincial Veterinary Officer (PVO) and/or the Municipal Veterinary Officer (MVO) shall inspect and certify the animals during their quarantine period before they will be used in the program-covered Ancestral Domains.

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- c) The MIADP PMO will provide appropriate training for the Project Workers on how to operate farm equipment safely. A safety officer and/or machine operator will be in charge regularly before, during and after the installation of the equipment proper. It is the duty of the contractors and management to keep all the equipment properly maintained. A monthly equipment maintenance report will be required by the RPCSO from the sub-project contractors/operators.
- d) The MIADP PMO will require all workers to comply with the mandatory health protocol to mitigate the risks and effects of COVID-19 pandemic. The Project Workers will be required to follow the health protocols imposed by the Department of Health (DOH) from time to time. Such protocols may include social distancing in work places, mandatory wearing of appropriate face masks, face shields and other personal protective equipment, deployment of skeletal workers between 30% to 75% of the total workforce depending on the type of Community Quarantine, and the practice of proper hygiene such as washing of hands and proper sanitization. Project Workers who may be tested positive from the virus or have close-contact with a person infected shall not be allowed to report to work and must undergo mandatory 14-day quarantine or until such time that the infected worker is free from the dangers of the virus, and guaranteed by the authorized health officials. Please refer to Annex G for COVID-related protocols.

C. MIADP Policies on Addressing Child Labor or Forced Labor Issues

35. All work required of an individual under threat of any penalty and that is not done voluntarily, that is, there is no consent, will be considered forced labor. The Project will not allow this type of act pursuant to the provisions of RA 10364, or the Expanded Anti-Trafficking in Persons Act of 2012 and ESS2 of the World Bank.

36. Child labor is understood to be any physical, mental, social or moral activity that harms children, because it interferes with their education, prevents them from carrying out activities appropriate to their age, and limits their full development.

37. The minimum age to work will be 14 years according to the ESS2 of the World Bank, although Art. 139 of the Labor Code establishes a higher age⁴. For purposes of this Project, children under 14 years of age or any other form of child labor will not be employed. Likewise, minors under 18 years of age will not be employed in jobs that are dangerous to their health or to their physical, mental, moral or social development, in accordance with the World Bank's ESS2⁵

⁴ Art. 139, Labor Code indicates:

- employees may not be less than 15 years of age unless they are working directly under their parents or guardian and their work does not hinder their education
- Persons between 15 and 18 years old may work for a certain number of hours and periods of the day. Regardless, no person below 18 years old may be employed in occupations that are considered dangerous

In addition, RA 9231 indicates that Children below 15 years old may be employed if: (1) the child works directly under his/her parents or guardian and the other employees are his/her family members as well; (2) the employer must guarantee the protection, safety, health, normal development, and morals of the child; (3) the employer must establish initiatives to safeguard against the exploitation and discrimination of the child, particularly in terms of system and level of remuneration, and length and arrangement of working hours; (4) the employer shall devise and execute a program for the child's training and skills acquisition; (5) acquire a work permit from DOLE

⁵See reference to EAS 2 paragraph 18 of the World Bank Environmental and Social Framework: Work considered dangerous for children are those that, due to their nature or the circumstances in which they are carried out, may endanger the health, safety or morals of children. Examples of hazardous work activities prohibited for children include the following: a) work exposed to physical, psychological or sexual abuse; b) work in underground areas, under water, or in heights or enclosed spaces; c) work with machinery, tools or equipment that is dangerous or that involves handling

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38. An orientation must be conducted by the contractor and a written undertaking signed by the workers may be required stating that they are fully aware of their job descriptions, duties and responsibilities and it is not against their will. The said undertaking must be submitted to their immediate supervisors for recording purposes. It is the duty and responsibility of each RPCSO, under the PMO to ensure that these measures will be observed.

39. The MIADP PMO will also require sub-project contractors to submit profiles of all their workers, to orient them about the penalties/sanctions for violating any part or parts of the as written in their contract/MOA.

D. MIADP Policies to Prevent Harassment in the workplace

40. Harassment in the workplace refers to any conduct that constitutes aggression or harassment against any worker and that results in mistreatment or humiliation, or threat to their employment situation. The Project will ensure compliance to the DA's administrative policy and procedure for the prevention and punishment of harassment in the workplace.

E. MIADP Policies to Prevent Sexual harassment

41. The Project will consider sexual harassment in work-related environment⁶ as a serious offense under RA 7877, which vests upon the employer or head of office in a work-related environment the duty to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. In addition, the crime of gender-based sexual harassment in the workplace is also prohibited under Sec. 16, RA 11313 or the Safe Spaces Act.⁷

Employers or other persons of authority, influence or moral ascendancy in a workplace have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Employees and co-workers shall have the duty to: (a) refrain from committing acts of gender-based sexual harassment; (b) discourage the conduct of gender-based sexual harassment in the workplace; (c) provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and (d) report acts of gender-based sexual harassment witnessed in the workplace.⁸

F. MIADP Policies Against Gender-based Violence

or transporting heavy loads; d) work in unhealthy environments in which the child is exposed to dangerous substances, agents or processes, or to temperatures, noise or vibrations that damage health, or e) work in difficult conditions, such as long hours, work at night or confinement in employer premises.

⁶ In a work-related environment sexual harassment is committed when: (a) the sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee; (b) the above acts would impair the employee's rights or privileges under existing labor laws; or (c) the above acts would result in an intimidating, hostile, or offensive environment for the employee. (Sec.3, RA 7877)

⁷ It includes (a) acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities; (b) a conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems; (c) a conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient. It may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee.

⁸ Secs. 17 & 18, RA 11313

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42. The Project will not tolerate any act of physical or psychological violence exercised against any person based on their sexual orientation or gender identity that negatively impacts their emotional, physical, social or economic well-being. The Project will promote respect for its workers by providing information on gender diversity.

G. MIADP Policies to Ensure Equality of Opportunities

43. In the Project, any differentiated treatment based on factors such as gender, sexual orientation, disability status, among others, will not be tolerated. Therefore, the Project must verify the salary scales, which should not have gender or any of the other factors as a differentiating reason, in accordance with the provisions of the Labor Code for private employment. On the other hand, EO 292, s. 1987 provides that appointments in the Civil Service shall be made only according to merit and fitness. Also, compensation of government employees is fixed by law. Moreover, RA 10524 states person with disability shall not be denied access to opportunities for suitable employment.

H. MIADP Policies to Promote Free Association

44. Freedom of association is the right of workers, whether in the private or public sector, to freely establish the organizations they deem appropriate in order to defend their labor interests. The Project will promote the free association of its workers and being part of any association may not be considered as a reason for dismissal as long as it is legitimate in accordance with the provisions of current legislation and ESS2. This freedom to organize is fully supported by the Philippine constitution, the Labor Code, and EO 292, s. 1987.

I. MIADP Policies on Addressing Project Labor Influx and Culture Courtesy/Adaptation

45. To mitigate the exposure of the Indigenous People from infectious and communicable diseases, the project workers (migrant) who will enter the Ancestral Domain shall undergo a Medical Screening; a Mandatory Quarantine will be required to those workers who came from a province, municipality or city where cases of infectious diseases are present. The Indigenous People who will participate in the project shall also undergo other trainings/orientations (e.g. campaigns against crime especially on illegal drugs, gambling and prostitution prevention) as part of the social preparation activity. This will be regularly monitored by the MIADP PMO and all sub-project contractors shall comply with this measure.

46. The Migrant Project Workers shall be aware of the customary rights and traditions of the IPs/ICCs and give due respect to these practices. They shall not be allowed to wander within the Ancestral Domain or move around without the permission from the subproject contractor or from the project implementer. All project workers, whether migrant or within the locality, who are non-IPs and even the MIADP PMO and RPCSO staff shall undergo training and orientation about the local customs/culture of a particular AD where they will be deployed. The LGU Implementer and the Subproject contractor shall also participate in the meeting as they will adjust to the culture of the ADs that they will be working with and include the said culture in their labor policies. All of these shall become elements of the MOA/contracts between employees and the employers.

J. MIADP Policies on Misuse of Labor Contract

47. The Project will guarantee the correct relationship between its activities and its employment contract and the terms and conditions under national labor legislations. For this reason, the DA will make unannounced visits to verify compliance with the conditions and benefits according to the corresponding Contracting Modality. If there is any case of misuse of labor contract, the DA shall guarantee that the corresponding rights of the worker are recognized,

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and that the labor contract is not contrary to law, morals, good customs, public order, or public policy.⁹

K. MIADP Policies on Addressing Labor Disputes and other Related Issues

48. The MIADP will promote fairness, reason and lawful terms & conditions to all the project workers so that to prevent labor disputes during the implementation. 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 Article VIII (Grievance Redress Mechanism) of this LMP hereof shall be strictly observed to avoid disputes over terms and conditions of employment.

49. When it comes to the field level labor disputes between a contracted worker and community worker, it is the duty of the LPMIU, together with the IPS to mediate and resolve the issue as possible it can be.

L. MIADP Policies on Addressing Project Safety and Security Risks

50. As Part of the Eligibility Criteria for the IPs/ICCS within the Program-Covered AD is to undergo a Project Security Risks Assessment. The said assessment will determine the ADS and be classified into three (3) categories:

- a) **“No Risk”** means no historical or present existence and influence of the armed groups or insurgents;
- b) **“Threatened”** which means there was history of existence of the armed groups but has already been cleared by the Armed Forces of the Philippines or the Philippine National Police; and
- c) **“Influenced”** which means there are existing armed groups within the AD. The selected Ancestral Domains for the Project are either “No Risk” or “Threatened”.

51. The MIADP PMO, with the help of the RPCSO and LPMIU shall develop a Safety/Evacuation Plan when a conflict erupts during the implementation. In the event that the armed groups or insurgents are present in the Ancestral Domain and conflicts arise, the Project implementation in that particular AD may be suspended and terminated until the AD is liberated from the insurgents. It will be the responsibility of the LGU implementer and the Subproject Contractors to pull out their respective project workers from the conflict zone. No project worker, whether contracted or direct worker shall be left behind.

M. MIADP Polices on addressing Public Health Crisis / Pandemic

52. The MIADP shall adopt the Department of Public Works and Highways (DPWH) Department Order No. 39 which is the labor guidelines in times of public health crises or pandemic which is the *“Revised Construction Safety Guidelines for the Implementation of Infrastructure projects during the COVID19 Public Health Crisis”* (See Annex H)

53. The DO No. 39 contains the types of construction projects that may be implemented pursuant to the revised omnibus guidelines on the implementation of the community quarantine (CQ) in the Philippines. There are four (4) levels of CQ in the Philippines namely: Enhanced Community Quarantine (ECQ), Modified Enhanced Community Quarantine (MECQ), General Community Quarantine (GCQ) and Modified General Community Quarantine (MGCQ). The ECQ is the strictest level of CQ since it only allows skeletal workforce for priority public and private infrastructures that refer to food production, agriculture, fisheries, energy, housing,

⁹ Art. 1306, Civil Code of the Philippines

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communication, water utilities, manufacturing and Business Process Outsourcing (BPO). Under MECQ, small scale infrastructure projects are not allowed while in GCQ and MGCQ, all construction projects are allowed subject to strict compliance of the work safety protocol.

54. Project construction workers shall also be provided with Personal Protective Equipment (PPE) by the Contractors in their work areas. COVID19 testing may be required if at least one of the workers is tested positive for the virus. Meanwhile, the colleagues of the COVID19 positive projects workers may be required to go under 14-days of quarantine.

VII. Terms and Conditions for Project Workers

A. Provisions on Contract of Employment

55. A Contract of Employment (COE), be prepared and written in the language known to the parties, shall be executed between the DA (MIADP PMO and RPCSO) and the Project Workers that specify the following:

- a) Both parties of the contract, including the name of worker, age, citizenship, civil status, gender, and address;
- b) The Premises with regard to the needed services, acceptance of the parties, qualifications of the worker, and attestation that the worker is not related within the third degree of consanguinity or affinity to the hiring authority and/or its representative, and that the worker has not been previously dismissed from government service by reason of administrative offense;
- c) The Terms and Conditions of the contract, including the hours and place of work, remuneration payable to the worker, job description, summary of deliverables, duration of contract, procedure for suspension or termination of contract, statement that there is no employer-employee relationship between the contracting parties. In addition to the written contract, an oral explanation of the provision stated therein shall be provided to the contracting worker who may have difficulty in understanding the provisions.

B. Specific Wages

56. Individuals hired through Contract of Service (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 J.O. 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.

C. Hours of Work

57. The normal hours of work of project workers shall not exceed 8 hours a day for 5 days or 40-hour work week, exclusive of time for meals. Where exigencies of the service require such personnel to work for 6 days or 48 hours, the project worker shall be entitled to a compensatory time-off (CTO) to off-set the overtime rendered. No worker shall be allowed to render services beyond the 48-hour overtime.

D. Rest per Week

58. Every project worker is entitled to a 2-day rest period during weekends (Saturday and Sunday). Project Workers shall also be entitled to a rest day on regular holidays recognized by the State.

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E. Termination of Contract

59. The Contract of Employment (COE) 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.

60.

F. Deductions for Remuneration

61. 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. It is the duty of RPCSO to monitor regularly this such activity of the sub-project contractors.

62. 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.

G. Medical Treatment of Injured and Sick Workers

63. 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 Project Implementer or the Subproject Contractors, whichever will apply, shall shoulder the expenses for medical treatment including the days that the injured project worker cannot go to work due to medical operation and recovery. In case of death of the project worker due to work-related accident, the Project implementer or the Subproject contractor shall also shoulder the accidental death or bereavement benefit to the bereaved family of the project worker.

H. Collective Bargaining Agreements (CBA)

64. The duty to collectively bargain arises only between the "employer" and "employee". Where neither party is an "employer" nor would "employee" of the other, no such duty exist. Considering that the terms and conditions provide that no employer-employee relationship shall exist between the contracting parties, there is no duty to bargain collectively.

I. Behavior of the Worker

65. The Project Worker is expected to respect its colleagues regardless of rank, gender of other especially the Indigenous People. The project worker shall also adhere to the employee's rules and regulations and if he/she commits a violation of the employee's rules. The employer and/or the management of the sub-projects may impose sanctions based on the policy of the Project. The basis of such decision will be from their shown conduct in the community.

J. Due Process

66. No Project Worker shall be penalized, suspended or terminated without a due process. An erring Project Worker must receive a Notice of Explanation letter from the employer and he/she must be given at least 5 working days upon the receipt of the letter to explain his/her side. Failure to reply within the prescribed period shall deem the Project Worker guilty of violation and may face sanctions imposed by its employer and/or subproject contractor head.

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VIII. MANAGEMENT OF CONTRACTORS AND SUB-CONTRACTORS

67. Compliance with the LMP will not only be the sole responsibility of the DA but also of the contractor, subcontractors, and the primary suppliers or third parties in charge, which will be incorporated in the respective contracts. For the hiring of the workers of the contractors, subcontractors, and the primary suppliers or third parties that they hire, the same obligation applies with respect to compliance with the LMP and its Annexes, the ESF of the World Bank, and national and international regulations applicable to the Project workers.

68. The scope and procedures of the LMP are not only exclusively for the DA, and the workers that it hires, but is also extended to the contractor companies (works executor), the work supervisor, subcontractors, primary suppliers, third parties, and all personnel related to the execution of the Project; therefore, it must be disseminated and enforced.

69. It is the duty and responsibility of the MIADP PMO through the RPCSO (Procurement Division) and LPMIU to screen and evaluate qualified Component Project / Sub-Project contractors before mobilizing for work.

70. MIADP Component Project/ Sub-Project Qualified Contractors may be hired for each component performing various tasks that will assist the MIADP team to effectively implement the said project. Technical Service Providers (TSPs) will be hired to help the MIADP team to conduct Community Organizing for Social Preparation and Planning and to conduct training for the participants. The implementation of Infrastructure and Enterprise Development Subprojects will be carried out by the qualified contractors who will be awarded from the Project Bidding.

71. The MIADP Component Project/Sub-Project Qualified Contractors are also expected to comply with the guidelines of this Labor Management Procedures (LMP) and that they are obliged to submit a (i) Monthly Disposition Report (MDR) which indicates the number of workers and their status as project workers and; (ii) Incident Report Form which will be submitted per incident basis.

72. The MIADP Component Project/Sub-Project Qualified Contractors who fail to comply with the LMP of the MIADP shall be fined, suspended or terminated depending on the degree of their labor violation.

73. The MIADP Component Project/Sub-Project Qualified Contractors shall also include in their labor costs the Mandatory Benefits of project workers prescribed by the law which are the: (i) Social Security System (SSS), (ii) Phil-Health and PAG-IBIG premiums, (iii) Night Differential pays, (iv) Overtime Pays and (v) 13th month pay. A photocopy of MDR which they will submit to SSS, Phil-Health and PAG-IBIG shall also be submitted to the MIADP PMO through the MIADP RPCSO so that to ensure that mandatory benefits of the project workers especially the community workers are paid by the respective contractors. Annex B provides a sample code of conduct for contractors.

IX. COMMUNITY WORKERS

74. To promote social inclusion and broaden opportunities for economic growth in target ADs, the MIADP shall prioritize the members of the IPs/ICCs through the IPOs in hiring project workers especially for the non-skilled labor. Approved and Relevant Seminars/Trainings for the IP project workers shall be required prior to their engagement in the work. The community workers (composed of IPs/ICCS) shall be also given equal treatment and shall not be discriminated against of their performance of duty. They shall also receive the right compensation as be implemented by the MIADP. If they are hired by the project contractors, all the labor conditions will apply as discussed above.

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75. All private contractors must adhere to the requirements of Republic Act No. 6685¹⁰ and its Implementing Rules and Regulations (DPWH Department Order No. 51 Series of 1990). The law provides that: *“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.”*¹¹

76. Public work projects referred to include National, Provincial, City, Municipal, and Barangay Projects including but not limited to roads, schools, power and water systems, piers, airports and similar projects.¹² This excludes any scientific project of a highly technical nature, all defense and military installations which fall under security requirements, any public works project that may be assigned to and which can be undertaken by the engineering battalions of the Armed Forces of the Philippines,¹³ and the labor used or to be used for the manufacture of prefabricated construction materials and other materials premade outside the place of project implementation and skilled manpower utilized or to be utilized for the preparation of engineering designs and project plans and layouts.¹⁴

77. To ensure that the requirement on the hiring of residents is complied with, the following procedures shall be observed:

- a) The Implementing Office (MIADP PMO, through the RPCSOs and LPMIUs) shall, upon publication of the Invitation for Prequalification to Bid, Prepare the Labor Requirements for the project to bid, and a list of able, qualified and willing laborers (unskilled and skilled) in their respective localities from which listing, the contractor shall select for employment the labor requirements of the project. This list of laborers shall be submitted and made available to the contractor upon Award of the Contract (AoC) and before the Notice to Proceed (NTP) is issued. In case of non-submission of this list within the period above-stated, the contractor has the option to employ the labor requirements, but preferably laborers from the barangay or locality where the project is located. Finally, this process of labor recruitment shall be coordinated with the DOLE Regional Office/Community Employment Center;
- b) In the case of a project traversing two or more barangays/municipalities/cities/provinces, the labor requirement shall be recruited proportionately from the localities traversed by the project and for this purpose, coordination shall be made between the implementing agency and the LGUs;
- c) The above-mentioned Implementing Office shall see to it that the Instructions to Bidders and Tender Documents include a provision for strict compliance with R.A. 6685 and that the penalty clause provision thereof is included in the Conditions of the Contract to be entered into;
- d) In the pre-bid conference, the Prequalification Bids and Awards Committee (PBAC) shall discuss and disseminate to all prequalified bidders the provisions of R.A. 6685 and

¹⁰ *An Act Requiring Private Contractors to Whom National, Provincial, City and Municipal Public Works Projects Have Been Awarded Under Contract to Hire at Least Fifty Percent of the Unskilled and at Least Thirty Percent of the Skilled Labor Requirements to be Taken from the Available Bona Fide Residents in the Province, City or Municipality in Which the Projects are to be Undertaken, And Penalizing Those Who Fail to Do So.*

¹¹ Section 1, RA No. 6685

¹² Section 2

¹³ Section 3

¹⁴ Section 1

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emphasize to the bidders concerned that the organization chart for the project under bid, which shall accompany the bid proposal, must indicate the total number of the skilled and unskilled labor requirements of the project in which the mandatory minimum 50 - 30% local labor recruitment shall be based, otherwise, appropriate sanctions as provided by law/regulation may be imposed;

- e) Upon the Award of Contract and after the contractor has signed the contract and _ submitted the requirements for the approval of the contract, the contractor shall inform the concerned DOLE Regional Office - Community Employment Center (DOLE-CEC) of the manpower requirements of the project so that the DOLE-CEC can provide recruitment assistance to the contractor. The contractor shall then cause the posting of the "Notice of Labor Requirements" in conspicuous areas (municipal hall, churches and project site) as specified and designated by the District, Provincial, City or Municipal authorities in either English or Filipino or in any local dialect, announcing that local residents are needed as laborers for the project. The notice shall contain the basic project information and instruction to responding labor applicants on where and when to register to the DOLE/CEC and to bring with them the necessary identification papers such as Voter's ID, Residence Certificate and/or certification from the Barangay Captain or in his absence any other member of the Barangay Council, that they are bona fide and actual residents of the place/locality where the project is being undertaken;
- f) The "Certificate of Compliance" under oath to be submitted by the contractor/subcontractor as among the requirements for every progress billing, pursuant to Section 5 of R.A. 6685, shall be counter-checked by the District, Provincial or City/Municipal Engineer concerned before effecting the payment to ensure compliance.
- g) All Project/Sub-project bidders and contractors must include in their bid documents the Environmental and Social Assessment (ESA) & the Environmental and Social Management Plan (ESMP) as part of the requirement, which must be aligned and in accordance to the ESMF/ESS of the MIADP. The RPCSO will review and evaluate the said documents before recommending it to the MIADP Procurement Team.

X.GRIEVANCE REDRESS MECHANISM (GRM)

77. Consistent with applicable national laws and the specific requirements under ESS2 of ESF, the MIADP will install a separate Grievance Redress Mechanism (GRM) for both direct-hired and contracted workers to address labor or workplace-related concerns.

78. At the time of recruitment and prior to actual work engagement, all MIADP project workers will be informed of the Grievance Mechanism as included in this document and the measures to be put in place to protect them against any reprisal, discrimination or biased-actions. The said Grievance Mechanism shall be designed to be easily accessible to all project workers.

79. The GRM in this LMP shall only cover the labor-related issues within the Project. Such labor-related issues that the MIADP will have sanctions are the following:

- a) Occupational Health and Safety;
- b) Non-Payment or Underpayment of Wages and Benefits of the Project Worker; and
- c) Physical Abuse and Discrimination among Project Workers.

80. The GRM of the MIADP is not a quasi-judicial function but rather settlement of labor-related issues with sanctions against contractors or MIADP officials who may tend to violate the LMP. Other labor-related issues that are not mentioned above must be settled to the National Labor Relations Commission (NLRC) and the MIADP may endorse or assist the labor-complainant to the NLRC who has jurisdiction on labor relations. Annex B provides an initial set

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of procedural guidelines on grievance filing and resolution. A detailed manual will be developed during the preparatory stage of project implementation as attached to the Operations Manual.

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Annex A

NATIONAL REGULATIONS CORRESPONDING TO ESS2: LABOR AND WORKING CONDITIONS

ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
Labor Terms and Conditions	Workers will receive information and documentation, establishing their rights under national labor laws, including rights related to hours of work, wages, overtime, pay and benefits (para. 10).	Labor Code of the Philippines, as amended, and its IRRs	Prescribes the terms and conditions of employment and other requirements, including rights of workers	X	DOLE CSC Heads of Agency	No requirement under national law that requires employers to inform and document the terms and conditions of employment, including the rights of workers, except OSH measures and the terms and conditions of employment of contractor and sub-contractor's employees, because the terms and conditions of employment and rights of workers are fixed by law.
		EO 292, s. 1987 and its IRRs	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.			
		RA 11058 and DO 198, s. 2018	Information dissemination of OSH for both private and public sector is mandated.			
	Workers will receive their payment in regular form (para 11).	Labor Code of the Philippines, as amended, and its IRRs	Provides for the rules on wages for the private sector, including setting the minimum wage, forms, time and place of payment	Convention N° 100 on equal remuneration of the ILO National	DOLE DBM COA	
RA 11466		Modifies the salary schedule for civilian government personnel and authorities				

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ESS2		Legal system			Supervisory institution	Observations
Theme	Main Requirements	PH Laws	General Description	Binding international regulations		
		EO 292, s. 1987	Congress shall provide for the standardization of compensation of government officials and employees			
		CSC-COA-DBM Joint Circular No. 1, s. 2017	Individual COS shall be paid the prevailing market rates; individual hired as JO shall be paid wages equivalent to the daily wage/salary of comparable positions in government and a premium of up to 20% of such wage/salary			
	Workers will have adequate weekly rest periods, annual vacation, and sick, maternity or family leave, as required by national law and labor management procedures (para 11).	Labor Code of the Philippines, as amended, and its IRRs	Provides for rules on working conditions and rest periods, holidays and service incentive leaves	Convention N° 183 on the protection of maternity	DOLE of CSC	National regulations address working conditions on ESS2 breaks, except for JO and COS workers because they are not considered employees of the government.
		RA 11210	Provides for 105 expanded maternity leave			
		RA 8187	Provides for paternity leave benefit			
		RA 8972	Grants parental leave of not more than 7 days, and additional 15 day maternity leave for solo parent female worker			
		EO 292, s. 1987 and Omnibus Rules Implementing Book V of EO 292	Provides for rules on leaves for the government personnel			

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ESS2		Legal system			Supervisory institution	Observations
		PH Laws	General Description	Binding international regulations		
Theme	Main Requirements					
		CSC-COA-DBM Joint Circular No. 1, s. 2017	Services of COS and JO workers are not covered by Civil Service law; hence, they do not enjoy the benefits such as leave and 13 th month pay			
	When required by national laws and labor management procedures, workers in the project will receive timely notification of termination of employment and details of severance payments (para 12).	Labor Code of the Philippines, as amended, and its IRR	There is no dismissal without just cause for regular employees. Notice of termination is required and details of benefits to be received are prescribed.		DOLE	National regulations address aspects of ESS2 termination of employment.
		EO 292, s. 1987 and Omnibus Rules Implementing Book V of EO 292	No officer or employee of the civil service shall be removed or suspended except for cause as provided by law and after due process.			
Non-discrimination and equal opportunities	The hiring of workers will be based on the principle of equal opportunities and fair treatment, and there will 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, termination of employment or	1987 Philippine Constitution	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.	Convention N° 111 on discrimination, employment and occupation.	DOLE CSC	National regulations address aspects of equality and non-discrimination of the ESS2.
		Labor Code of the Philippines, as amended	It is a State Policy to encourage hiring of workers based on their qualifications, abilities, skills, and knowledge instead of their age; forbid the placement of unreasonable age restrictions on employment; and support equal			

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ESS2		Legal system			Supervisory institution	Observations
		PH Laws	General Description	Binding international regulations		
Theme	Main Requirements					
	retirement, or disciplinary practices (para 13).		rights and treatments for all with regards to compensation, benefits, and other employment opportunities, age notwithstanding. Discrimination against women employees with respect to terms and conditions of employment solely on account of her sex is prohibited.			
		EO 292, s. 1987 and Omnibus Rules Implementing Book V of EO 292	appointments in the Civil Service shall be made only according to merit and fitness; government employees shall not be discriminated against in respect of their employment by reason of their membership in employees' organizations or participation in the normal activities of their organizations.			
		CSC Memorandum Circular No. 3, s. 2001	provides for the revised policies on the merit promotion plan, which mandates that appointment in the government service is open to all qualified men and women according to the principle of merit and fitness			

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ESS2		Legal system			Supervisory institution	Observations
		PH Laws	General Description	Binding international regulations		
Theme	Main Requirements					
		R 9710	The State condemns discrimination against women in all its forms. Public and private entities and individuals found to have committed discrimination against women shall be subject to sanctions.			
		RA 8371	the State is mandated to extend to ICC/IPs the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society, and the employment of any form of force or coercion against ICCs/IPs is dealt with by law.			
Union	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 will be carried out in accordance with those national laws (para 16).	1987 Philippine Constitution	guarantees the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law.	ILO Conventions N°s 87, 98 and 151	DOLE CSC	National regulations address aspects of ESS2 on unions.
		Labor Code of the Philippines, as amended	It is unlawful to restrain, coerce, discriminate against or unduly interfere with employees and workers in their exercise of the right to self-organization. All employees have the right to self-			

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ESS2		Legal system			Supervisory institution	Observations
		PH Laws	General Description	Binding international regulations		
Theme	Main Requirements					
			organization and to form, join or assist labor organization of their own choosing for collective bargaining, including government employees.			
		EO 292, s. 1987	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.			
Forced Labor	Forced labor will not be used (para 20).	RA 10364	Prohibits any act that introduce match for money, profit, or material, economic or other consideration any person for purposes of forced labor, slavery, involuntary servitude or debt bondage	ILO Forced Labor Convention	DOLE Head of Agency	National regulations address aspects of forced labor of the ESS2.
Occupational Health and Safety (OSH)	All parties hiring workers will develop and implement procedures to maintain a safe work environment, including verifying that workplaces, machinery, equipment, and processes under their control are	RA 11058	State guarantees a safe and healthy working environment for employees by providing protection from all possible dangers in the workplace. It applies to all organization, projects, sites, or any place where work is being done.		DOLE CSC	

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ESS2		Legal system			Supervisory institution	Observations
		PH Laws	General Description	Binding international regulations		
Theme	Main Requirements					
	<p>safe and do not present health risks, with inclusion of the use of appropriate measures related to chemical, physical and biological agents and substances (para 26).</p> <p>Project workers will be offered facilities appropriate to the circumstances of their work, including access to dining rooms, hygiene facilities, and appropriate rest areas (para 28).</p>	<p>DOLE DO 198, s. 2018</p> <p>CSC-DOH-DOLE Joint Memorandum Circular No. 1, s. 2020</p>	<p>Implements the provisions of RA 11058 and requires covered places to have OSH Program to ensure safe environment, including the provision of workers' welfare facilities</p> <p>provides for the OSH standards for the public sector</p>		Head of Agency	National regulations address occupational health and safety aspects of ESS2.
Complaints and grievances management system	Processes will 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 their health (para 27).	Labor Code of the Philippines, as amended	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;		DOLE CSC Head of Agency	National regulations address aspects of mechanisms for handling complaints and grievances of the ESS2.

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ESS2		Legal system			Supervisory institution	Observations
		PH Laws	General Description	Binding international regulations		
Theme	Main Requirements					
			provides for labor arbiters to hear cases involving workers			
		RA 10396 and DOLE DO 151-16	provide 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 blown labor dispute or acutal labor case, or the Single Entry Approach (SeNA			
		EO 292, s. 1987	Each department or agency shall promulgate rules and regulations governing expeditious, fair and equitable adjustment of employees' complaints or grievances.			
		CSC MC 2, s. 2001	All agencies must establish grievance machinery. The CSC issued policies on grievance in the public sector.			
Community workers	Projects may involve the use of community workers in various circumstances, such as when labor is provided by the community as a contribution to the project or when projects are designed and		If community workers are hired as contractual workers by the			There is need for further clarity as regards volunteer workers from the community insofar as the applicability of labor and

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ESS2		Legal system			Supervisory institution	Observations
		PH Laws	General Description	Binding international regulations		
Theme	Main Requirements					
	carried out in order to foster community-driven development, and provide a social safety net or specific assistance in fragile and conflict-affected situations (para 34).		community or the political entity, Labor laws will apply.			working condition laws, rules and regulations.
Child labor	The Borrower will assess whether there are risks of child or forced labor (para 37).	DOLE DO 65-04	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.	ILO Conventions N°s 29, 138 and 182.	DOLE	The work of minors under 14 years of age will not be allowed for World Bank projects, as ESS2 prevails
		Omnibus Rules Implementing Book V of EO 292	Only 18 years and above is eligible for appointment, and submission of certificates and clearances is a must.			
		RA 9231	Penalizes any person who employs a child below 15 years old, except in work allowed by law.			
	The minimum age for employment or recruitment will be specified, which will be 14, unless national laws stipulate a higher age (para 17).		Employees may not be less than 15 years of age unless they are working directly under their parents or guardian and their work does not hinder their education;	ILO Convention N° 138 National	DOLE	

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ESS2		Legal system			Supervisory institution	Observations
		PH Laws	General Description	Binding international regulations		
Theme	Main Requirements					
		Labor Code of the Philippines, as amended	Persons between 15 and 18 years old may work for a certain number of hours and periods of the day. Regardless, no person below 18 years old may be employed in occupations that are considered dangerous			

LABOR MANAGEMENT PROCEDURE

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Annex B

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 (Indicate name of site) _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
 - b) are safe and without risk to health;
 - c) wearing required personal protective equipment;
 - d) using appropriate measures relating to chemical, physical and biological substances and
 - e) agents; and
 - f) 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
11. 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;
12. 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.

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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

Name and Signature of Project-in-Charge

(Name of Contractor's Firm)

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Annex C

MIADP Grievance Redress Mechanism from ESMF and SEP

Grievance Redress Mechanism (GRM)

The Grievance Redress Mechanism (GRM) is an integral project management element that intends to seek grievances from project workers and resolve complaints on labor related issues. The mechanism will ensure that (i) the project workers are aware of their rights to access, and shall have access to, the mechanism free of administrative and legal charges; (ii) that these rights and interests are protected from abusive, onerous and unfair labor practices; and (iii) labor concerns in all phases are addressed effectively.

Each Local Project Management and Implementing Unit and Community Project Development Subprojects will be required to set up a Grievance Redress Mechanism that would receive labor-related issues at local level and revolve and/or refer the complaints to DA or other appropriate government bodies.

Access on GRM Information

The Project Management Office (PMO), Regional Project Coordination and Support Offices (RPCSO), and the relevant Local Government Units (LGUs) will make the public aware of the GRM through public awareness campaigns, training and capacity building in Project Monitoring and Evaluation. Any person who has feedback or complaints regarding labor related-concerns pertaining to money claims including unpaid mandatory remittances and compensation for injuries suffered or caused by violation of the occupational and health standards during the pre-implementation, implementation and operation phases, shall have access to the Labor GRM mechanism. Contact details in support of the mechanism will be publicly disclosed and posted in the offices of concerned communities and in strategic places of the project's area of influence.

Grievance Point Person (GPP)

The DA MIADP PMO will each nominate and train one of their officers to be a Grievance Point Person (GPP) for project-related issues. The GPPs will be responsible for the initial screening of feedback and complaints, as well as, the organization of preliminary meetings with concerned parties to establish the critical path to resolution. A registry of feedback or grievances received will be maintained by the GPPs for reporting to the PMO and the World Bank, specifically for associated follow-up, resolution or non-resolution of issues. Feedback/grievance registries will be consolidated by the PMO for discussions on how to further enhance MIADP systems based on the labor-related concerns.

Grievance Investigation and Resolution Process

Project Workers who may have labor-related issues against the Project Implementer or the Subproject Contractor shall file their complaint using the standard complaint form provided by the GPP. A detailed Manual to be developed by the MIADP during the first semester of the project implementation.

Steps in GRM

Step 1: Filing of Labor Complaint at the CPMET, RPCSO, LPMIU or the PMO wherever is accessible or convenient to the Project Worker

The complainant may file the labor complaint to any of the MIADP Office such as the CPMET, RPCSO, LPMIU or the PMO wherever is accessible or convenient to the Project Worker. If the project worker is unable to read or write, he or she shall be assisted by the GPP.

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The MIADP officer or representative shall record the complaints in the registry. The GPP shall commence a preliminary evaluation by interviewing the complainant and to determine whether or not the complaint is valid.

Step 2: GPP Issues Summon to the Project Implementer or Subproject Contractor

If the complaint is valid, the GPP shall summon the Project Implementer or Subproject Contractor and require them to submit a verified comment.

Step 3: Organize a Meeting between the Complainant and the Project Implementer or Subproject Contractor

The GPP shall schedule a meeting for the Complainant and the Project Implementer or Subproject Contractor as part of the investigation process. The GPP will serve as the arbiter of the case and will hear the argument of both parties. The decision shall be made on the day of the meeting. The complaint may be settled at this stage if both parties agreed to the decision of the GPP. Otherwise, the case will be resolved.

Step 4: GPP Resolution to the Case

The GPP will determine whether or not the Project Implementer or the Subproject Contractor has violated the Labor Policy of the Project. If so, the respondent could be directed to satisfy the money claim or compensate the damages or injuries suffered by the worker. For this purpose, the resolution should include an endorsement to the implementing agency to withhold the release of payment for progress billings to such extent as to satisfy the claim, or of any bond, guarantee, and the certificate of final acceptance of the project.

Step 5: Escalation to the PMO

In cases where the grievance was filed in the CPMET, RPCSO, LPMIU and both parties did not agree to any settlement, the case will be escalated to the PMO for the final decision. The PMO may adopt or reject the decision of the CPMET, RPCSO and LPMIU.

Step 6: PMO Resolves the Case or the Case is Beyond the Jurisdiction of the Project

The PMO will have 5 working days to review the case presented by the RPCSO and must be able to come up with a decision. The PMO may summon both parties for another round of investigation if needed.

The decision of the PMO is final as far as the MIADP is concerned. The PMO may order the Project Implementer or the Subproject Contractor to satisfy the money claim or compensate for the damages or injuries incurred by the complainant. For this purpose, the resolution should include an endorsement to the implementing agency to withhold the release of payment for progress billings to such extent as to satisfy the claim, or of any bond, guarantee, and the certificate of final acceptance of the project.

For labor complaints other than money claims, violation of occupational and health standards or compensation for injuries, the complaint shall be endorsed to the Department of Labor and Employment (DOLE). The PMO shall assist the worker in the filing of his complaint.

In case of doubt, the Barangay, CPMET, RPCSO and PMO shall decide in favor of the complainant. The burden of proof lies against the Project Implementer or Subproject Contractor that no such violation has been committed.

Sanctions on Subproject Contractors

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For grievance purposes, project sub-contractors shall be treated the same as the contractors. For the settlement of claims, the contractor shall be primarily liable. However, the contractor and subcontractor shall be held jointly and severally liable.

When the Complaint is against any employee of the Contractor

If the complaint is directed not against the contractor but to any of his personnel, the complaint shall be endorsed to the contractor for the conduct of the proper investigation and resolution after due notice and hearing for such purpose as required by law. If the complainant is not satisfied with the resolution, the same may be reviewed by the GPP/PMO and, if reversed, shall be endorsed to the contractor for the imposition of the proper penalty in accordance with its disciplinary rules.

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Annex D

**Department of Agriculture
Mindanao Inclusive Agriculture Development Program**

Monthly Disposition Report Form (Sample)

Contractor/Project Implementer: _____

Project: _____

Date Submitted (Day/Month/Year): _____

Name	Date of Birth	IP or Non-IP	Designation/Position	Validity	Professional License No. And Expiry (if applicable)

Total Number of Employees: _____

I certify that the names of the employee and the data declared are correct.

Name and Signature of the Representative

Noted By:

Name and Designation of the MIADP Officer

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Annex E

**Department of Agriculture
Mindanao Inclusive Agriculture Development Program**

Project Incident Report Form (Sample)

Contractor/Project Implementer: _____

Project: _____

Date Submitted (Day/Month/Year): _____

Place of Incident: _____

Time and Date of the Incident: _____

Narrative of the Incident:

Number of Injured Persons

Response to the Injured Persons

Number of Death Due to the Incident

Property Damaged Due to the Incident

Preventive Measures Taken

Submitted By:

Name and Signature of the Project Implementer/Contractor Representative

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Annex F

**Department of Agriculture
Mindanao Inclusive Agriculture Development Program**

Labor Grievance Form (Sample)

Name (Optional): _____

Company/Employer: _____

Designation/Position: _____

Date of Incident: _____

Type of Labor Complaint:

- A. Salaries and Compensation Related
- B. Physical or Verbal Abuse and Discrimination
- C. Occupational Hazard
- D. Others (Please Specify)

Narrative of the Incident:

I certify that all the details declared in this form are true. I will be liable of perjury and may face sanctions imposed by the Project Implementer or Subproject Contractor if I have found to misdeclare the facts Narrative.

Name and Signature of Complainant

Noted By:

Name and Signature of Barangay/CPMET Representative

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Annex G

Occupational Health and Safety and Covid-19 Health Protocol Guidelines

Occupational Health and Safety

According to Chapter III of Republic Act No. 11058 (the OSH Law), the following are the duties of every employer, contractor or subcontractor, and any person who manages, controls or supervises the work:

1. 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 where physical distancing can be observed. Sanitation and hygiene facilities should also be present and well- disinfected regularly for the safety of workers.
2. 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
3. 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
4. Use only approved specific industry set of standards of devices and equipment for the workplace as applicable
5. 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
6. 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
7. 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:

1. Participate in the capacity building activities on safety and health and other OSH related topics and programs
2. Proper use of all safeguards and safety devices furnished for workers' protection and that of others
3. Comply with instructions to prevent accidents or imminent danger situations in the workplace
4. Observe prescribed steps to be taken in cases of emergency including participation in the conduct of national or local disaster drills
5. Report to their immediate supervisor or any other responsible safety and health personnel any work hazard that may be discovered in the workplace

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Employed citizens, employees shall have the following common rights:

1. To refuse to work without threat or reprisal from the employer if an imminent danger situation exists.
2. To report accidents, dangerous occurrences, and hazards to the employer, to DOLE, and to other concerned competent government agencies.
3. 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
4. To receive information on workplace conditions, risks that can impose danger to health, industrial dangerous and poisonous factors

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.

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.

Specific to the protection of workers and the general public during the covid19 pandemic, the DPWH Department Order 30, Series of 2021, entitled “The Revised Construction Safety Guidelines for the Implementation of Infrastructure Projects During the COVID-19 Public Health Crisis (Guidelines)” shall apply to all government and private construction projects as stated in the Omnibus Guidelines for the Implementation of Community Quarantine in the Philippines (Omnibus Guidelines) in areas under Enhanced Community Quarantine (ECQ), Modified Enhanced Community Quarantine (MECQ), General Community Quarantine (GCQ), and Modified General Community Quarantine (MGCQ). It contains the latest Revised Construction Safety Guidelines for the Implementation of Infrastructure Projects during the COVID-19 public health crises, amending DPWH Department Order (DO) Nos. 35 and 39, Series of 2020 of the same title.

Further, government workers can be assured of their health and safety in their workplaces after the Civil Service Commission (CSC), Department of Health (DOH), and Department of Labor and Employment (DOLE) jointly issued guidelines on occupational safety and health standards.

CSC-DOH-DOLE Joint Memorandum Circular No. 1, s. 2020 aims to institutionalize occupational safety and health (OSH) in government workplaces to protect government workers from the dangers of injury, sickness, or death and to prevent loss or damage of properties through the adoption of safe and healthy working conditions.

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On the international front, the following international conventions, and directives may also support measures for addressing health and safety issues relevant to COVID-19:

- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- WHO International Health Regulations, 2005 and 2020
- WHO Emergency Response Framework, 2017

