



The Republic of Seychelles

The Ministry of Agriculture, Climate Change & Environment

With

The Landscape & Waste Management Agency

For the

Seychelles Solid Waste Management Project (P181243)

LABOUR MANAGEMENT PROCEDURES

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List of Abbreviations & Acronyms

EPR	Extended Producer Responsibility
ESS2	Environmental and Social Standard 2
ESF	Environmental and Social Framework
E&S	Environment and Social Specialist
GoS	Government of Seychelles
GRM	Grievance Redress Mechanism
HIV	Human Immunodeficiency Virus
HR	Human Resources
LMP	Labour Management Procedures
MSME	Micro, Small, and Medium Enterprises
OHS	Occupational Health and Safety
PDCS	Programme Development and Coordination Section
PIU	Project Implementation Unit
PPE	Personal Protective Equipment
SCR	Seychelles Rupees

EXECUTIVE SUMMARY

This Labour Management Procedures (LMP) document outlines how labour-related matters will be managed for the Seychelles Solid Waste Management Project (P181243), in alignment with the World Bank’s Environmental and Social Standard 2 (ESS2) on *Labour and Working Conditions*.

The project will involve various categories of workers, including direct workers (government and project staff) and contracted workers (engaged through contractors and service providers). Key labour-related risks identified include occupational health and safety (OHS) hazards—particularly due to the hazardous nature of work at landfill sites—risks of informal employment arrangements, social concerns such as discrimination and exploitation, potential child or forced labour in the supply chain, and exposure to physiological hazards.

To address and mitigate these risks, the project will implement the following measures:

- Ensuring fair and transparent recruitment processes;
- Enforcing safe working conditions in line with national labour laws and international standards;
- Establishing and maintaining a dedicated grievance redress mechanism (GRM) for project workers;
- Closely monitoring contractor compliance with labour requirements.

The Project Implementation Unit (PIU), with support from its Environmental and Social team, will be responsible for overseeing the implementation of this LMP. All contractors will be required to comply with the provisions outlined in the LMP and submit regular reports on labour practices and compliance.

This LMP contributes to the project’s overarching aim of ensuring safe, fair, and legally compliant labour practices throughout its duration.

LABOUR MANAGEMENT PROCEDURES

1. INTRODUCTION

These Labour Management Procedures (“**the LMP**”) have been developed by the Ministry of Agriculture, Climate Change and Environment (referred to as “**the Ministry**” or “**the Borrower**”) and the Landscape and Waste Management Agency (“**LWMA**”)¹ in relation to the *Seychelles Solid Waste Management Project* (P181243) (“**the Project**”).

The LMP has been developed to meet the requirements of the World Bank’s Environmental and Social Framework (“**ESF**”) for the aforementioned project, most specifically the World Bank’s Environmental and Social Standard on Labour and Working Conditions (“**ESS2**”).

As required in paragraph 9 of ESS2, the LMP sets out the way in which project workers will be managed in accordance with the requirements of national laws and ESS2. The LMP, in particular, addresses how ESS2 requirements will apply to various categories of project workers, including direct workers, and the way in which the Government of Seychelles (“**GoS**”) will require third parties to manage their workers in accordance with paragraphs 31–33 of ESS2.

2. OVERVIEW OF LABOUR USE ON THE PROJECT

The Project will be implemented by GoS through the Borrower, with support from the World Bank via a loan of USD 5 million. The key aim of the Project, running from **14 May 2024** to **30 November 2028**, is to promote financially and environmentally sustainable solid waste management in Seychelles by enhancing landfill capacity, improving waste management practices, and fostering circular economy solutions.

The Project deliverables include expanding the Providence landfill (“**the Landfill**”), providing technical assistance for sustainable waste strategies, and strengthening institutional capacity to manage environmental and social risks, all of which are aimed at ensuring long-term environmental and financial sustainability.

The present estimate is that the total number of workers to be employed on the Project is not yet known. These workers will mainly consist of direct and contracted workers.

The Project will be staffed, at the level of the Borrower, by public officers employed by the Ministry. Those individuals will be deployed in the Ministry’s Project Implementation Unit (“**the PIU**”).

There may also be direct workers involved in the Project, for example, consultants who may be contracted directly by the PIU or the Ministry.

¹ LWMA is the agency in Seychelles responsible for the implementation of waste management efforts.

It is anticipated that the majority of the workers involved in the Project will be in the category of contracted workers, i.e. those persons who are employed or engaged through third parties to perform work related to core functions of the Project.

In this regard, it will be necessary, under the design and build contract that is ultimately awarded through a tender process in relation to the development of the Landfill, for the third-party contractor(s) to employ contracted workers to perform the main activities under the Project, i.e. the construction of a new cell for the Landfill.

It is also this category of worker that is most likely to require employment and occupational health and safety (“OHS”) protections.

Whilst the other categories of workers required for the successful implementation of the Project (including primary supply workers that may need to be employed) will also be subject to the same or similar protections in law regarding employment, labour rights, and OHS, the Borrower does not consider that they will be exposed to the same potential risks as those contracted workers who are directly involved in the construction of the Landfill referred to above.

Characteristics of workers

As to the characteristics of the workers, it is expected that:

- a. staff working in the PIU will be local Seychellois unless any particular role cannot be filled by a Seychellois, which would necessitate the employment of a foreign worker under a gainful occupation permit;
- b. direct workers will most likely be drawn from the local labour market, but there may be a particular need in certain circumstances to seek to appoint someone from abroad;
- c. the large proportion of contracted workers (perhaps with the exception of skilled and professional contracted workers, such as architects, engineers, and specialised workers) will be migrant workers from abroad, most likely to be India, Bangladesh or Sri Lanka, based on the demographic of current migrant labourers in Seychelles.

Timing and sequencing of labour requirements

The timing and sequencing of labour requirements for the Project, in terms of numbers, locations, types of jobs and skills required, are set out below:

- a. **Construction of the Landfill:** It is expected that the number of persons to be employed or engaged in the construction of the Landfill, which will include architects, engineers, administrative and project management personnel, and contracted workers, such as labourers, will be approximately 30 individuals. These labour requirements will be needed from December 2025 to November 2028 and will require individuals engaged to have the necessary skills for the specific roles that are envisaged to be undertaken.
- b. **Specialised earthworks and civil engineering works:** It is expected that the total number of specialised workers in earthworks and civil engineering will be as follows:
 - 2-3 heavy machinery operators
 - 4-6 masons, formwork workers and reinforcement workers

- 4-5 earthworks and levelling workers

The Borrower considers that these workers will be required from April 2026 to November 2028 and will require specialist skills in the abovementioned tasks.

- c. **Security and supervision:** As to security and supervision personnel, it is expected that these will be required throughout the project and require the following:
- 1-2 security agents
 - 2-3 site supervisors
 - 1-2 compliance inspectors

3. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

Project description and key activities

As noted above, the purpose of the Project is to promote financially and environmentally sustainable solid waste management in the Seychelles by enhancing landfill capacity, improving waste management practices, and fostering circular economy solutions.

It should be noted that the Project comprises the following components and key activities:

Component 1: Strengthening Operations and Increasing Disposal Capacity at Providence Landfill

This component focuses on rehabilitating the Landfill to provide a more environmentally sustainable waste disposal facility. A design and build contract will be awarded to upgrade the Landfill, extend its lifespan, and align operations with international standards.

Key activities include:

- Design and construction of a new sanitary landfill cell, including subgrade preparation, geosynthetics installation, and leachate collection systems.
- Installation of an environmental monitoring system with groundwater wells, landfill gas management, and leachate system upgrades.
- Rehabilitation of a designated recycling and waste diversion area within the landfill footprint for green waste, scrap metal, and construction debris.
- Improved landfill operations using best management practices.
- Capacity building for LWMA staff in landfill management.
- Option study for future waste management practices.

Component 2: Institutional Strengthening and Promoting Circularity

This component aims to enhance solid waste management and promote a circular economy through technical assistance, including:

- Mapping and recommending policy improvements for recycling, resource recovery, and circularity across the three main islands.
- Assessing extended producer responsibility (EPR) for plastics and providing recommendations for legislative and regulatory improvements, emphasising women-led MSMEs.
- Developing national strategies to enhance circularity in fisheries and tourism, with interventions supporting women-led MSMEs.
- Conducting a financial sustainability study to identify efficiencies, optimise operations, explore revenue sources, and propose a financially sustainable model for LWMA.

Component 3: Project Management

This component will support the PIU by funding incremental operating costs, project management consultants, and capacity building for managing environmental and social (“E&S”) risks in line with the ESF.

The PIU will be established within the Programme Development and Coordination Section (“PDCS”) in the Ministry.

The Borrower has identified the following key labour risks associated as part of this Project:

a. Environmental hazards:

- Certain project workers (particularly contracted workers involved in the construction of the Landfill) may consistently be exposed to the elements, including high temperatures, intense sunlight, dust, and heavy rainfall. Prolonged exposure can lead to heatstroke, dehydration, sunburn, respiratory irritation, and other symptoms.
- They may also be at risk from waste decomposition, which generates toxic gases (e.g., methane, hydrogen sulphide) and particulate matter. Inhaling these substances can result in acute respiratory problems and contribute to long-term health conditions, such as chronic obstructive pulmonary disease and other respiratory diseases.
- There is also a risk of fires at the Landfill, which are quite common and lead to increased potential exposure to toxic gases and fumes.

b. Physical hazards:

- Landfills contain sharp objects, including broken glass, metal, etc., posing a significant risk of cuts, punctures, and other injuries to contracted workers, other workers who may be required to undertake oversight and project management functions on the Landfill, and persons who may be on the Landfill without permission (e.g., local informal waste pickers).
- The operation of heavy machinery (e.g., excavators, compactors) presents a further risk of accident and injury, including collisions, rollovers, and crushing injuries.

- Landfill slopes can be unstable, and open putrescent pits pose a risk of falls and entrapment. Slope failures and accidents related to these pits can result in severe injuries or fatalities.
 - The presence of pests and rodents (e.g., mosquitoes, rats) could lead to the transmission of vector-borne diseases (e.g., dengue fever, leptospirosis).
 - Workers may be exposed to potentially hazardous substances that could cause significant health issues or injuries, if appropriate measures are not taken.
 - Interaction between workers and moving machinery may pose a risk to if adequate measures are not put in place.
- c. Social and interpersonal hazards:**
- It is possible that workers, in particular labourers on the Landfill, may become involved in conflicts with informal waste pickers who often come onto the Landfill, potentially leading to physical altercations.
 - Language differences can impede effective communication, potentially increasing the risk of misunderstandings and accidents through poor understanding and implementation of OHS requirements.
 - Migrant workers may be vulnerable to exploitation, including unfair wages, excessive working hours, and substandard housing conditions by those employing them.
 - There is also a potential for racism and tension among workers and between workers and community members, particularly directed towards migrant workers, leading to a hostile work environment.
 - Contractors may seek to engage in child or forced labour practices.
 - Workers may be exposed to gender-based violence or sexual harassment.
- d. Psychological hazards:**
- The nature of the work, combined with the other hazards set out above, can lead to increased psychological stress on workers who may be involved in the Project.

4. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

Standards for labour and working conditions in Seychelles are set out in the Employment Act 1995 (“**the Employment Act**”), and regulations made under the Act (notably, the Employment (Conditions of Employment) Regulations 1991 (as amended) (“**the Conditions of Work Regulations**”), the Occupational Safety and Health Decree 1978 (“**the OHS Decree**”), and the Industrial Relations Act 1994 (“**the Industrial Relations Act**”).

The Employment Act addresses, amongst other things:

- contracts of employment;
- the protection of wages;
- the regulation of wages and conditions of employment;
- the protection of employment; and
- discipline, termination and offences.

The Act applies to all contracts of employment, including (a) contracts of continuous employment, (b) fixed-term contracts, (c) contracts for the employment of a part-time worker, or (d) contracts for the employment of a casual worker.

The Act provides that contracts of employment in respect of continuous, fixed-term and part-time employment must, amongst other things, be reduced to writing by the employer and specify as accurately as possible (a) the names of the employer and worker, (b) the nature of the employment, (c) the place of work, the remuneration or wages, (d) the number of working hours per week, (e) the requirements for overtime (where applicable), and (f) such other particulars as may be prescribed.

Employment of non-Seychellois

An employer cannot employ a non-Seychellois unless the employer holds a certificate from the competent officer of the Employment Department to the effect that the vacant post has been advertised and that either (a) the post requires the qualification demanded for it and no Seychellois is, at present, available for employment in that post, or (b) the Minister is satisfied that there is no unemployed Seychellois available for employment in the vacant post.

The employer must also submit a detailed manpower plan setting out a training and localisation programme.

An employer who employs a non-Seychellois worker must ensure that the contract of employment of the worker is a fixed-term contract. The worker will cease to be employed by the employer upon the contract's expiration unless the contract is extended or renewed.

Conditions of employment

The important features of the Act and the Conditions of Work Regulations with respect to conditions of employment are described in the table below:

Table 1. Conditions of Employment

Feature	Details
Application of the Act	<p>The Act applies to (a) contracts of employment for service in Seychelles or on a Seychelles ship or aircraft, and (b) contracts of employment entered into in Seychelles for service in an agency of the Government or diplomatic mission of Seychelles abroad.</p> <p>It should be noted that public officers (other than members of the Seychelles Defence Force, the Seychelles Police Force and the Prison Service) have been exempted from a large parts of the Act, with the Public Service Orders providing the terms and conditions of service for</p>

Feature	Details
	such officers. The Regulations do still apply to public officers.
Working hours	An employer must not require a worker (other than a watchman) to work for more than 60 hours or 12 hours per day (whichever is less). The hours include an aggregate of a half-hour break per day but do not include any longer break, which may be given for meals or any other purpose.

<p>Wages</p>	<p><i>General:</i> The term wage is defined in the Employment Act and means remuneration or earnings, however calculated, expressed in terms of money payable to a worker in respect to work done under the contract of employment of the worker, but does not include payment for overtime work or other incidental purposes.</p> <p>The term minimum wage is not defined, but the national minimum wage is set out in regulations made by the Minister, namely the Employment (National Minimum Wage) Regulations 2007 (as amended).</p> <p><i>Protection of wages:</i> Unless otherwise provided, a worker's wages are payable to the worker in the currency of the country where payment is made. Wages payable in cash are payable at regular intervals as agreed between the employer and the worker, but not less than once a month and not later than the fifth day following the date on which they fall due. Wages payable by cheque or bank transfer are payable not less than once a month before the date on which they fall due.</p> <p><i>Authorised deductions:</i> An employer may make deductions from the wages of a worker for taxes, recovery of the cost of damage of property, any overpayment of wages, recovery of money arising from dishonesty or negligence of a worker, or such other amount the worker authorises in writing.</p> <p><i>Record of wage payments:</i> An employer (other than an employer solely employing part-time, casual or domestic workers) must keep a record of the wages due to each of the workers in the employer's employment, of any deductions, and or the amounts actually paid.</p> <p><i>When wages are not due:</i> No wages are due to a worker who is absent from work without leave and without good cause or is in prison or otherwise detained in lawful custody.</p> <p><i>Prohibition against deferment or reduction of wages:</i> The Act contains certain prohibitions on the deferment and reduction of wages.</p> <p><i>Calculation of wages:</i> Wages are to be calculated in accordance with the statutory formulae set out in the Conditions of Work Regulations.</p>
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	<p><i>Minimum wage:</i> The current rate for part-time workers is SCR 38.27 and the rate for full-time workers is SCR 44.10. These rates are due to increase shortly by 7% following a recent announcement by GoS.</p> <p><i>Death of a worker:</i> Where a worker dies during their period of employment, the employer must pay all wages due to the competent officer for distribution in accordance with the law.</p>
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Feature	Details
Thirteenth-month pay	The Act provides for a thirteenth-month pay, but specific exclusions apply, including that it is not payable to non-Seychellois workers.
Employee unions	Employees may form and join unions. The Industrial Relations Act governs the registration of trade unions and related matters.
Rest period	Workers must have at least 24 consecutive hours' rest in any period of 7 days and an interval of at least 8 consecutive hours between the end of a daily shift and the beginning of the next shift, provided that, where a daily shift is divided into two parts the interval may be reduced proportionately.
Overtime hours	A worker (other than a watchman) may agree (or, in exceptional circumstances, may be required by their employer) to work up to 60 additional hours per month or an aggregate of 15 hours per day.
Annual leave	A worker (other than a casual or part-time worker) is entitled to 21 days paid annual leave or, where the employment is for less than a year, to 1.75 days for each month of employment.
Compassionate leave	Where a worker loses a close relative or there are other compassionate reasons which require the presence or attendance of the worker, the worker shall be entitled to compassionate leave. 4 days in any 12-month period is to be paid, with any days in excess being unpaid or, at the discretion of the employer, being deductible from the worker's annual leave entitlement.
Sick leave	A worker is entitled to sick leave in the circumstances and amounts set out in the Conditions of Work Regulations.
Casual workers	A contract for the employment of a casual worker is not required to be in writing. An employer shall not employ a casual worker, whether the same or another worker, for a period longer than three months or such other longer period authorised by a competent officer.

Feature	Details
Maternity leave	A full- or part-time female worker under a contract of continuous employment or a fixed-term contract is entitled to 16 weeks' paid maternity leave.
Paternity leave	A full- or part-time male worker who is resident in Seychelles and employed under a continuous or fixed-term employment contract is entitled to paid paternity leave of 10 consecutive working days.
Minimum employment age	The minimum employment age is 15 years' old.
Prohibited employment of young persons	The employment of persons below the age of 18 is prohibited in a hotel, guesthouse, boarding house, any place where tourists are accommodated, restaurant, shop, bar, nightclub, dancehall, discotheque or similar places of entertainment, or on a ship or aircraft. The competent officer may exceptionally grant special written approval/permission for the employment of persons aged 15 to 17 years in the places listed above.

Protection of employment

The protections set out in the table below are contained in the Act.

Table 2. Protection of Employment

Protection	Details
Prevention of discrimination	Where an employer makes an employment decision against a worker on the grounds of the worker's age, gender, race, colour, nationality, language, religion, disability, HIV status, sexual orientation or political, trade union or other association, the worker has the right to complain to the Department of Employment.
Prohibition against harassment	An employer must not commit any act of harassment against a worker. Under the Act, harassment means any unfriendly act, speech or gesture of one person towards another person that is based on the other person's age, gender, race, colour, nationality, language, religion, disability, HIV status, sexual orientation or political, trade union or other association, or otherwise, as would adversely affect the

	other person's dignity or make that person feel threatened, humiliated or embarrassed.
Restriction on termination	Subject to Part VIII of the Act (<i>Discipline</i>), an employer must not terminate a worker's contract unless the negotiation procedure in the Act is complied with first. Termination where variation of the contract is not agreed and as a result of change of ownership are not subject to the negotiation procedure.
Redundancy	Redundancy may be effected, but is subject to the negotiation procedure.

Discipline

The Act contains specific provisions with regard to disciplinary proceedings.

Termination of contracts

The Act contains provisions relating to termination and frustration of contracts.

Grievance procedure

A statutory grievance procedure exists, which may be utilised where a worker has been subjected to discrimination, has had a disciplinary measure imposed on them, who is suspended and the employer has not followed the statutory procedure, whose contract has been terminated during probation or as a result of a serious disciplinary offence, or where a dispute (other than one for which the grievance procedure is expressly provided under any provisions of the Act) arises between an employer and a worker and internal dispute procedures, if any, have been exhausted.

There are special provisions relating to the grievance procedure for non-Seychellois workers.

Employment Tribunal

The Act establishes the Employment Tribunal.

Offences

The Act also specifies offences for which persons or employers may be prosecuted where there is a breach of its provisions.

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

Measures relating to OHS are aimed at protecting project workers from injury, illness, or impacts associated with exposure to hazards encountered in the workplace or whilst working.

OHS encompasses the physical safety of project communities who are exposed to the project activities during construction and operation, including risks of accidents at work.

The physical safety aspects include hazards from materials (e.g., chemical, physical, and biological substances and agents), environmental or working conditions (e.g., working at heights or in confined spaces, excessive hours of work, night work, excessive temperatures, improper ventilation, poor lighting, etc.), or work processes (e.g., tools, machinery, and equipment).

A further source of potential exposure and/or increased risks in relation to projects of this type arises from the possibility of diseases as a result of exposure to materials on the landfill site and within the community, which may arise as a result of the influx of people during construction and operations and due to the changes in the project area, including pollution and ecological change.

OHS is dealt with largely through the OHS Decree. Individuals may also bring actions for negligence (*delict*) in the courts against their employer in circumstances where they suffer harm that is attributable to *faute* (fault) on the part of the employer.

There are also policies in the country that seek to protect against the spread of diseases (see, in this regard, the National Health Strategic Plan 2022-2026 (<https://www.health.gov.sc/wp-content/uploads/2023/07/NHSP-2022-2026-Final-web.pdf>) (“**the National Health Strategic Plan**”), as well as relevant licensing legislation that seeks to protect persons from health and safety risks.

Finally, the country has a primary healthcare system focused on preventative measures, and which provides healthcare services (free to the end user for Seychellois) for persons who may fall ill or otherwise suffer injury or harm.

OHS under the OHS Decree

The OHS Decree sets out the duties employers and other persons are under regarding OHS. It applies to all employees, all employers, all self-employed persons where the activities could put themselves or others at risk, and any other person on whom special duties are imposed.

The table below sets out the key duties included in the Act.

Table 3. OHS under the OHS Decree

Duty	Details
General duties on employers to employees	The starting point is that every employer has a general duty to ensure their employees' health, safety and welfare at work. This includes (a) the provision and maintenance of plant and systems of work that are safe and without risks to health, (b) arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances, (c) the provision of such information, instruction, training and supervision as is necessary to ensure the health and safety at work of the employer's employees, (d) as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks, (e) the provision and maintenance of a working environment for his employees that is safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work, and (f) the provision of protective equipment for employees and training them to use such equipment.
General duties on employers to persons other than employees	Employers and self-employed persons are under other duties in relation to persons other than employees. In particular, every employer must conduct his undertaking in such a way as to ensure that persons not in the employer's employment are not exposed to risks to their health or safety.
Duties concerning premises	Any person having control of premises used as a place of work must ensure that the premises are safe and without risk to health.
General duties on employees	Employees are under a duty to ensure that (a) whilst they are at work, they take reasonable care for the health, safety and well-being of themselves and of other persons who may be affected by their acts or omissions at work, (b) they cooperate with the employer or other person to enable the employer or other person to comply with relevant duties under the OHS Decree or any other written law, and (c) they use and take care of equipment in accordance with the directions given by the employer.
Obtaining information and reporting of accidents	An employer or the person in charge of any premises shall report any accident, dangerous occurrence, occupational

	poisoning, injury or disease within such premises within 48 hours after such event or, where it is not practicable to do so in the circumstances, as soon as possible after such event.
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It is an offence, amongst other things, to fail to discharge, without reasonable excuse, the duties specified above, with a person being liable on conviction to a fine or, where the court is satisfied that the act of omission constituting the offence was occasioned by gross misconduct or neglect, the court may impose a term of imprisonment not exceeding two years in addition to, or in lieu of, a fine.

The court also has the power to issue directions to remedy or comply, the closing of an enterprise, or the destruction or forfeiture of an article or substances if imminent danger or serious personal injury exists.

6. RESPONSIBLE STAFF

This section identifies the functions and/or individuals within the project responsible for (as relevant):

Table 4. Responsible Staff

Functions	Responsible
Engagement and management of project workers.	<p>The PIU will be responsible for the engagement and management of direct workers.</p> <p>The engagement and management of contracted workers will be the responsibility of the contractor selected under the design-build contract.</p>
Engagement and management of contractors/sub-contractors	<p>The PIU will be responsible for the engagement and management of contractors, specifically the Monitoring and Evaluation (“M&E”) Specialist and the Project Coordinator.</p> <p>The main contractor will be responsible for managing subcontractors and for providing the PIU with regular updates.</p>

<p>OHS</p>	<p>OHS for direct workers will be managed by the Human Resources (“HR”) department or occupational health professional of the relevant government entity (i.e., the Ministry).</p> <p>For contracted workers, OHS will be managed by the appropriate section (Health & Safety/HR) within the contractor's organisation/business, and any internal policies and procedures must be aligned with national laws and World Bank ESS 2 requirements.</p> <p>The PIU will have the responsibility of conducting scheduled monitoring checks to ensure adherence to OHS requirements by the contractor</p>
<p>Training of workers</p>	<p>Training for direct workers will be managed by the PIU’s HR department.</p> <p>The contractor awarded the design and build contract will be responsible for providing training to contracted workers.</p>
<p>Addressing worker grievances</p>	<p>Please refer to Section 10.</p>

7. POLICIES AND PROCEDURES

As noted above, the key obligations when it comes to specific duties of OHS and reporting requirements are set out in the OHS Decree.

The National Health Strategic Plan is important to note from a primary healthcare perspective.

Policies and procedures relevant to this Project will need to be put in place by those employers or contractors who employ or engage project workers. These policies and procedures must ensure compliance with the OHS Decree and other relevant legislative provisions, including any relevant licensing requirements and conditions. The implementation of such policies and processes will seek to mitigate and address the risks identified in Section 2 above.

Coupled with this, it will be necessary for employers and contractors to take specific measures to ensure that they do not employ project workers (particularly contracted migrant workers) who may be victims of human trafficking or forced labour practices. The Borrower and the

relevant government authorities will need to be alive to this risk, but the processes and procedures within the country for this purpose should be robust and resilient to ensure that this does not occur.

8. AGE OF EMPLOYMENT

a. Minimum Age of Employment

Although the minimum age for employment in Seychelles is 15, the Borrower considers that contracted workers engaged in the construction of the Landfill should be 18 years or over. This is because of the specific dangers arising from the work and tasks in which those workers will be engaged and the fact that many of them will likely be migrants from other countries.

As to other categories of workers, unless specifically excluded by licensing or other employment-related requirements regarding the type of worker, the Borrower considers that there should be no departure from the statutory minimum age.

b. Procedure for Age Verification

In the event of reasonable doubt regarding the applicant's age, the following steps should be taken by the relevant employer or contractor to verify the individual's age and to ensure that no child labour or breach of the requirements of this LMP ensues:

1. The employer or contractor should request relevant documentation, such as a birth certificate, national identification card, medical or school records, or other pertinent documents.
2. The employer or contractor should review the documents for authenticity and consistency.
3. If necessary, the employer or contractor should obtain community verification or additional supporting evidence to confirm the applicant's age.

c. Procedure for Addressing Discovery of Underage Workers on the Project

If the Borrower becomes aware of the use of underage contracted workers on the Project, this will be investigated fully and may result in the contract being terminated for breach.

d. Risk Assessment

A child over the minimum age and under the age of 18 will not be employed or engaged in connection with the Project in a manner that is likely to be hazardous, interfere with the child's education, or be harmful to the child's health or physical, mental, spiritual, moral, or social development.

As per the ESS2, work considered hazardous for children is work that, by its nature or the circumstances in which it is carried out, is likely to jeopardise the health, safety, or morals of children. Examples of hazardous work activities prohibited for children include work: (a) with exposure to physical, psychological, or sexual abuse; (b) underground, underwater, or working at heights or in confined spaces; (c) with dangerous machinery, equipment or tools, or involving handling or transport of heavy loads; (d) in unhealthy environments exposing children to hazardous substances, agents, or processes, or to temperatures, noise, or vibration damaging to health; or (e) under difficult conditions such as working for long hours, during the night, or in confinement on the premises of the employer

As per the Project scope, particularly for the contracted workers, most work on the Project would refer to points (c), (d), and (e), which is deemed high-risk for contracted workers who are children.

9. TERMS AND CONDITIONS

This section outlines the minimum required conditions of employment, as specified in Section 3, including minimum hourly wages (SCR 44.10 for part-time workers and SCR 38.27 for full-time workers), maximum working hours (12 hours per day, except for watchmen), and other provisions, such as leave entitlements and thirteenth-month pay.

Employers participating in this World Bank project are responsible for ensuring that these terms and conditions are met for their employees in compliance with national labour laws and health and safety regulations as described in the previous section through the following means:

Clear Information on Employment Terms:

- At the start of employment, provide clear information about their rights and conditions, including work hours, wages, overtime, compensation, and benefits.
- Documents should be simple and accessible, provided in a language the worker understands.
- If workers cannot read or understand, employers must explain terms verbally and keep records of these explanations (e.g., meeting minutes).
- Migrant workers must receive terms equal to non-migrant workers in areas such as pay, working hours, leave, and safety.

Regular Payment and Leave Entitlements:

- Workers must be paid regularly, in line with national law, and informed about any wage deductions (e.g., for taxes or social security).
- Rest and leave: Workers must receive rest periods, annual holidays, and sick, maternity, or family leave as per national law. If not required by law, employers should still consider providing these benefits based on the type and duration of the job.

Equal Treatment for All Workers:

- Migrant and non-migrant workers should have equal terms, including pay, working hours, leave, and safety measures.
- Employers must comply with any collective agreements that apply and communicate this information to workers.

Termination of Employment:

- Workers must receive written notice and details of any severance pay when their employment ends.
- All earned wages, benefits, and contributions (e.g., social security, pension) must be paid before or at termination, either directly to workers or to a third party (e.g., pension funds).

Health, Safety, and Welfare:

- Employers must provide a safe working environment in accordance with national OHS laws, including ensuring workers have the necessary protective equipment and training.
- Accommodation: If the employer provides accommodation, it should meet safety standards. Any charges for accommodation, food, or other provisions should be clearly stated in the employment terms and in line with national laws.

Grievances and Disciplinary Procedures:

- Employers must have a grievance procedure for workers to report complaints and must communicate how to raise these concerns.
- Disciplinary procedures should be clear, and workers should be informed about any rules and the process for appeals.

Record-Keeping:

- Employers should keep records of employment documents, contracts, and communication with workers, ensuring these are accessible and in line with legal requirements.

10. GRIEVANCE MECHANISM

This section following the grievance mechanism will need to be in place when it comes to different types of workers.

Contracted workers

Employers who employ or engage contracted workers employed or engaged as part of the Project will need to ensure a grievance procedure is in place (or is put in place) that is aligns with the following:

Dealing with grievances informally

If a worker has a grievance or complaint about their work or someone they work with, they should start by speaking to the person they report to (usually a manager or supervisor) wherever possible. They may be able to agree on a solution informally between them.

Formal grievance

If the matter is serious or the worker wishes to raise it formally (whether they have sought to resolve it informally or not), they may lodge a formal grievance in writing to their manager or supervisor. They should keep to the facts and avoid language that is insulting or abusive.

If the grievance is against the worker's manager or supervisor and they feel unable to approach them, they may raise it with another person of sufficient seniority to deal with it.

Grievance hearing

The manager or supervisor must conduct a meeting, usually within 5 working days of the grievance being received, to discuss your grievance. The worker has the right to be accompanied by a colleague or trade union representative at such a meeting.

After the meeting, the manager or supervisor must give the worker a decision in writing within 5 working days.

If the manager or supervisor needs more information before making a decision, they will inform you of this and the timescale.

If the worker is not satisfied

If the worker is not satisfied with the decision on their grievance, they may be able to lodge a grievance with the Employment Department under the Employment Act 1995. The worker will need to consider whether they are eligible to lodge a grievance with the Employment Department.

Direct Workers

A "direct worker" is employed directly by the Borrower, with control over their work and conditions. They are paid by the Borrower and follow daily instructions, inclusive of PIU staff and any relevant consultants employed by the Ministry within the Project's duration. Relevant national laws and regulations apply to this group of project workers, including the Public Service Orders. It shall be for the Ministry or other public body to ensure a grievance mechanism is in place for such workers.

11. CONTRACTOR MANAGEMENT

1. Selection Process for Contractors

Contractors and consultants for the Project will be selected through a transparent and competitive procurement process in accordance with the World Bank's procurement rules. The selection process will include a due diligence assessment of the contractors' and consultants' capacity to manage labour and working conditions in compliance with ESS2 and this LMP. Procurement documents will include provisions requiring compliance with applicable labour laws, OHS standards, and grievance mechanisms.

2. Contractual Provisions for Labour and OHS Management

All contracts entered into with contractors and subcontractors under the Project will include specific provisions to ensure compliance with national labour laws, the ESS2, and this LMP.

As noted above, contractors will be contractually required to:

- comply with all applicable labour and employment laws including provisions for worker injury insurance etc.;
- implement and maintain effective OHS measures as stipulated in the OHS decree and this LMP including but not limited to the following:
 - developing and maintaining an OHS management system to proactively identify workplace hazards and risks and propose mitigation measures,
 - designate a responsible person, with relevant qualifications to oversee OHS related issues at the project site and define OHS roles and responsibilities for task leaders and contract managers.
 - Provide Protective Personal Equipment (PPE) free of charge to all workers.
 - make provisions for entry, annual and exist medicals for workers in particular medical prevention measures for contracting of diseases and other illnesses associated with exposure and working on landfill sites
 - provide adequate health and welfare facilities (ablution facilities, handwash and eating areas)
 - provide for appropriate training/induction of project workers and maintenance of training records on OHS subjects.
 - document and report on occupational incidents, diseases and incidents and conduct investigations and implement corrective measures as needed.
 - provide emergency prevention and preparedness and response arrangements to emergency situations;
 - actively implement remedial actions for non-compliance and corrective measures to prevent re-occurrence
 - maintain all such record for activities related to the safety health and environmental management for inspection by the PIU or the World Bank.
- prohibit the use of child labour and forced labour in accordance with ESS2;
- ensure non-discrimination, equal opportunity, and protection against harassment;
- provide all workers with a written contract of employment;
- put in place a Code of Conduct;
- submit monthly labour and OHS performance reports to the PIU; and
- cooperate with PIU supervision and audits.

Failure to comply with the contractual provisions on labour and OHS may result in the application of penalties, withholding of payments, or contract termination, depending on the severity and recurrence of the non-compliance.

3. Monitoring and Supervision of Contractors

The PIU will be responsible for monitoring and supervising contractor compliance with labour management and OHS requirements throughout the implementation of the Project.

To ensure full compliance with the provisions of ESS2 and the project’s LMP, the following measures will be implemented:

- Routine site visits and field supervision of contractor work sites at least monthly during construction and bi-weekly during peak activity periods or when elevated risks are identified. For high-risk aspects—such as work on active landfill cells and hazardous material handling—periodic independent labor audits (at least annually) will be commissioned to verify contractor compliance with labour, OHS, and grievance redress mechanisms. The audit reports will be shared with the World Bank and disclosed as appropriate.
- Submission of regular monthly reports by contractors on labour management and OHS. Contractors shall be required to use standardized reporting templates to facilitate consistent data collection and allow effective oversight. Specific reporting metrics must include:
 - OHS performance: number of incidents and near-misses per 1,000 hours worked; severity rate; lost-time injury frequency rate (LTIFR).
 - Worker grievances: number of grievances received, resolved, and pending; average time to resolution.
 - Workforce composition: number of workers disaggregated by sex, age group, and nationality; percentage of migrant workers.
 - Working conditions: compliance with working hour limits and leave entitlements (monthly summaries); number of workers provided with contracts and PPE.
- Issuance of corrective action plans and follow-up monitoring in cases of non-compliance.

The PIU will verify that the main contractor has a robust system in place for supervising its subcontractors, including written agreements incorporating ESS2 obligations and regular internal audits. During PIU monitoring visits, a sample of subcontractor sites and workers will be reviewed to assess compliance.

Contractors will be required to maintain records and submit report on key labour and working condition indicators, including:

- i. Labour conditions: Records of all workers, contracts, hours worked, proof that minimum wage is being met, and induction on the Code of Conduct.
- ii. OHS: Incidents, root cause analysis, and remedial actions taken.
- iii. Worker demographics: Number of workers, gender, age, skill level, accommodation standards, and evidence of no child labour.

In cases of persistent or serious non-compliance, the PIU reserves the right to impose contractual penalties or proceed with the termination of the contract, as per the terms and conditions stipulated in the contractor’s agreement.

The PIU will also provide orientation sessions and periodic refresher training (if needed) to contractors and subcontractors on key elements of this LMP, OHS procedures, and the workers' grievance redress mechanism.

12. COMMUNITY WORKERS

Whilst in certain projects there may be a need for the use of community workers (including where labour is provided by the community as a contribution to the project or where projects are designed and conducted for the purpose of fostering community-driven development), it is not foreseen that community workers will be involved in this Project.

13. PRIMARY SUPPLY WORKERS

A **primary supply worker** is a person employed by a primary supplier to provide goods and materials for a project.

The primary supplier controls the worker's tasks, working conditions, and overall treatment. To date, no major risks related to child labour, forced labour, or OHS have been identified in relation to primary suppliers. However, risks may arise from operating heavy machinery or potential slope failure during excavation for these materials.

Primary supply workers may be involved in this Project, especially when large quantities of clay or other materials are needed during the construction phase. Labour for these tasks may be sourced in two ways:

1. The awarded contractor may subcontract the supply of materials. In this case, the contractor must ensure that subcontracted workers meet the labour requirements outlined in this LMP for contracted workers, which will be verified by the PIU.
2. The materials may be supplied from the government's contingency reserves and be funded by GoS. In such cases, all primary supplier workers will be governed by local legal conditions and benefits, as detailed in Section 3, and will not be considered a project worker.

As it is still uncertain as to whether such services will be required and how they will be procured, this assessment and the related labour procedures will be reviewed and updated periodically.