

REPUBLIC OF THE MARSHALL ISLANDS

Pacific Islands Regional Oceanscape Program for Economic Recovery and Resilience (PROPER) Project

LABOR MANAGEMENT PROCEDURE

October 2022

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Marshall Islands Marine Resources Authority
as Implementing Agency

Prepared for the Government of the Republic of Marshall Islands by the Centralized Implementation Unit of the RMI Division
of Development Assistance (DIDA)

October 2022

Version 8

Acronyms and Abbreviations

CIU	Centralized Implementation Unit
CoC	Code of Conduct
DIDA	Division of International Development Assistance
EA	Executing Agency
E&S	Environmental and Social
ESCP	Environmental and Social Commitment Plan
ESCoP	Environmental and Social Code of Practice
ESF	Environment and Social Framework (World Bank)
ESMP	Environment and Social Management Plan
ESS	Environment and Social Standard
GBV	Gender Based Violence
GoRMI	Government of the Republic of the Marshall Islands
IA	Implementing Agency
ILO	International Labor Organization
JHA	Job Hazard Analysis
LMP	Labor Management Procedure
MIMRA	Marshall Islands Marine Resources Authority (Project Implementing Agency)
MOF	Ministry of Finance (Project Executing Agency)
OHS	Occupational Health and Safety
PDO	Project Development Objective
PMU	Project Management Unit
PSC	Project Steering Committee
PROP	Pacific Regional Oceanscape Program
PROPER	Pacific Regional Oceanscape Program for Economic Recovery and Resilience
RMI	Republic of the Marshall Islands
RMI PROPER	RMI Pacific Regional Oceanscape Program for Economic Recovery and Resilience (“the Project”)
SEP	Stakeholder Engagement Plan
SEA/SH	Sexual Exploitation and Abuse / Sexual Harassment
SOP	Standard Operating Procedures
TORs	Terms of Reference
VAC	Violence Against Children
WB	World Bank
WIM	Weto in Mour: Violence Against Women and Girls Support Service
WUTMI	Women United in Marshall Islands

Executive Summary

The Government of the Republic of the Marshall Islands has requested support from the World Bank for the Republic of the Marshall Islands Pacific Regional Oceanscape Program for Economic Recovery and Resilience (RMI PROPER) Project. The Ministry of Finance will serve as the Executing Agency and the Project will be implemented by the Marshall Islands Marine Resources Authority. The Project is part of a multi-phased approach to regional programs across the Pacific designed to strengthen the shared management of selected Pacific Island oceanic and coastal fisheries, and the critical habitats upon which they depend. The Project Development Objective is: *To strengthen regional collaboration and national capacity for the management and the sustainable development of the the oceanic and coastal fisheries sector in the Marshall Islands.*

This Labor Management Procedure has been prepared to meet the requirements of the World Bank's Environmental and Social Standard 2 (Labor and Working Conditions), national standards and to ensure that measures are in place to manage risks associated with employment under the project. The document provides information and guidance on the following:

- Project activities
- Number and types of workers required to support the Project
- Labor regulations
- Expected labor-related risks and mitigations
- Policies and procedures for managing labor-related risks
- Process for managing worker grievances
- Implementation responsibilities.

The Project will employ direct government workers (public servants who will be involved in Project implementation), other direct workers (persons contracted to the Project on a full-time and part-time basis), and contracted workers (people employed or engaged through third parties to perform work related to core functions of the project).

The key labor-related risks associated with the project and proposed management strategies for these risks are:

- terms of employment not secured by contractual agreements – to be managed through requiring all project workers to have an employment contract
- workers suffer discrimination and lack of equal opportunity in employment – to be managed by having transparent and documented recruitment processes
- use of child labor – to be prevented by banning anyone under 18 years old from working on the project and having this requirement stipulated in contractor bidding documents
- risks of workplace accidents, or emergencies – to be managed through the preparation and implementation of activity-specific OHS procedures
- Sexual Exploitation and Abuse (SEA), Gender Based Violence (GBV) and Violence Against Children (VAC) to workers and community from Project workforce – to be mitigated by workers requiring to sign a Code of Conduct, being provided with training on the Code of Conduct and having in place a Project Grievance Redress Mechanism (GRM) and Worker GRM for raising and managing issues related to SEA, GBV and VAC.

The implementation of the LMP will primarily be the responsibility of the Project Coordinator from the Project Management Unit (PMU) that has been established within MIMRA specifically for the Project. The PMU will be supported by RMI Ministry of Finance's Centralized Implementation Unit (CIU) team, which International Environmental Specialist, an International Social Specialist, and a locally based E&S Officer. The WB E&S team will provide regular E&S risk management compliance monitoring and support for the project. Construction contractor(s) will be required to comply with the Project's E&S risk management plans and procedures, including this LMP.

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1. Introduction

The Government of the Republic of the Marshall Islands (GoRMI) has requested support from the World Bank (WB) for the RMI Pacific Regional Oceanscape Program for Economic Recovery and Resilience (RMI PROPER) Project ('the Project') following successful completion of the WB-funded RMI Pacific Regional Oceanscape Program (RMI PROP) Project.

As part of project financing, the Project is required to comply with the requirements outlined in WB's Environmental and Social Framework (ESF) and ten Environmental and Social Standards (ESSs). This Labor Management Procedure (LMP) has been prepared to meet the requirements of ESS2 (Labor and Working Conditions), to ensure that measures are in place to manage risks associated with employment under the Project and are aligned to national standards. It is supported by:

- Environmental and Social Management Plan (ESMP), including appended Chance Find Procedure; and COVID-19 Safety Protocol
- Stakeholder Engagement Plan (SEP)
- Environmental and Social Commitment Plan (ESCP).

All E&S instruments have been disclosed on the websites of MIMRA¹ and the Division of International Development Assistance (DIDA) Centralized Implementation Unit (CIU)².

¹ <http://www.rmimimra.com/>

² <https://www.ciudidasafeguards.com/>

2. Project Description

The Project is part of a multi-phased approach to regional programs across the Pacific designed to strengthen the shared management of selected Pacific Island oceanic and coastal fisheries, and the critical habitats upon which they depend. The Project Development Objective (PDO) is: *To strengthen regional collaboration and national capacity for the management and the sustainable development of the oceanic and coastal fisheries sector in the Marshall Islands.*

The Ministry of Finance (MoF) will serve as the Executing Agency (EA) and the Project will be implemented by the Marshall Islands Marine Resources Authority (MIMRA), the implementing agency (IA). The Project is expected to commence in mid-2023, and to run for a period of 6 years.

The Project follows on from the RMI PROP Project and is designed to assist in achieving the Strategic Goals outlined in MIMRA's Strategic Plan (2019-2023)³ which are:

- MIMRA will maximize the long-term value from its fisheries for the benefit of the people of RMI.
- MIMRA will conserve and manage the aquatic resources for current and future generations in RMI.
- MIMRA will be professional, transparent, and accountable in the way it manages fisheries resources in RMI.

The WB funding will support a set of sub actions linked to the strategic goals, including optimization of revenues; strengthened management of fisheries and the coastal environment; promotion of sustainable coastal fisheries and value-chain enhancements; and maximize income and livelihood opportunities.

The Project has four components:

- **Component 1 (Strengthening Policy and Institutions)** will provide institutional support to the national fisheries program for better regional, national, sub-national, including cross sectoral, coordination and management and development of fisheries. It will also strengthen the capacity of the departments under MIMRA for research, data and information mining, analysis, storage and use for strategic decision making to inform economic growth. This will be achieved through three subcomponents focusing on:
 - 1.1: Improving capacity for policy design, implementation and evaluation.
 - 1.2: Strengthening seafood health monitoring.
 - 1.3: Improving infrastructure and their operation.
- **Component 2 (Strengthening Regional Collaboration and National Capacity for Oceanic Fisheries)** would specifically address a selected set of Strategic Actions that aim to strengthen regional and national capacity for the management and sustainable development of oceanic fisheries and their value chains with two subcomponents focusing on:
 - 2.1: Consolidating oceanic fisheries management which will contribute to addressing increasing MCS obligations

³ <http://www.rmimimra.com/media/attachments/2021/02/08/mimra-strategic-plan-2019-2023.pdf>

- 2.2: Harnessing of oceanic fisheries to regional economy which will contribute to increasing domestic value-added, economic diversification, and employment
- **Component 3 (Strengthening Regional Collaboration and National Capacity for Coastal Fisheries and Conservation of Critical Coastal Habitats)** would specifically address a selected set of Strategic Actions that aim to strengthen regional collaboration and national capacity for the management and sustainable development of coastal fisheries and their value chains with two subcomponents focusing on:
 - 3.1: Strengthening coastal fisheries and habitat management, consisting of:
 - Developing research capacity to inform management
 - Building capacity for co-management
 - Strengthening and expanding the Reimaanlok network
 - Strengthening compliance in coastal/nearshore areas (for coastal and oceanic resources)
 - 3.2: Developing and diversifying livelihoods in support of fisheries management, consisting of:
 - Sustaining neighbouring island infrastructure
 - Accelerating the uptake of income generating opportunities (from coastal and oceanic resources)
- **Component 4 (Project Management and study)** will include technical and operational assistance works, goods, services, workshops, and operational costs to support day-to-day management and implementation of the project, and reimbursing project preparation.

3. Overview of Labor Use on the Project

3.1. Type of Project Workers

The scope of application of this LMP depends on the type of employment relationship between the Borrower and the project worker. The term 'project worker' (as defined in ESS2) refers to:

- **Direct workers:** people employed or engaged directly by the Borrower including the project implementing agencies to work specifically in relation to the project. This includes:
 - Direct workers – Government: public servants who will be involved in Project implementation.
 - Direct workers – Other: persons contracted to the Project on a full-time and part-time basis.
- **Contracted workers:** people employed or engaged through third parties to perform work related to core functions of the project, regardless of location.
- **Primary supply workers:** people employed or engaged by the Borrower's primary suppliers.
- **Community workers:** people employed or engaged in providing community labor.

Project workers include full-time, part-time, temporary and seasonal workers.

Details of the project workers likely to be involved in the project are provided in the following sections.

3.1.1. Direct workers

Direct workers – Government

These are workers employed by MIMRA who will be involved in Project implementation and include staff hired by MIMRA using Project funding (e.g., Coastal Fisheries Data Analyst, Fisheries' Inspectors, etc). The number of MIMRA staff involved in Project implementation is not known yet, although could be in the order of 20. They will remain subject to the terms and conditions of their existing MIMRA employment agreements and be covered by Project measures to address OHS issues, and child and forced labor.

Direct Workers – Other

These workers are contracted to the Project on a full-time and part-time basis by the PMU. These workers will be subject to all the relevant provisions of this LMP. These workers include:

- Staff assigned to the Project Management Unit (PMU) established for the Project.
- Specialist individuals appointed to undertake specific Project activities, such as the development of training material, delivering training, etc.

The total number of direct workers on the project is likely to be in the order of 10. Most direct workers will be required for the duration of the Project, with consultants to the PMU being engaged on an ad hoc basis as required.

3.1.2. Contracted workers

Contracted workers on the Project will include construction workers hired by contractors or subcontractors to complete Project investments relating to physical works (e.g., renovations), including:

- Rehabilitating, repairing and upgrading of existing Fish Bases and Sub-Bases and markets.

- MIMRA infrastructure upgrades for energy efficiency, decarbonization and climate-proofing.

These contracted workers will include laborers, trades people, machinery operators, truck drivers, etc.

Contracted workers on the Project will also include consultants engaged via a firm (by the PMU using Project funds) to complete feasibility and other studies for the project, such as:

- A feasibility and costing study to establish and operate a research station.
- Promoting the utilization of local (anchored) FADs.
- Assessing and developing a management regime for pollution sources within Majuro Lagoon.

These contracted workers will be employed by consulting firms and include scientists and engineers.

The total number of contracted workers required for the Project is likely to be in the order of 30 to 50. Contracted workers will be required for the duration of the physical works and during the undertaking of studies; however, each worker may only be required for several weeks or months.

3.1.3. Primary supply workers

Where contractors source materials or equipment directly from primary suppliers on an ongoing basis, the workers engaged by such primary suppliers are deemed "primary supply workers". The number and type of primary suppliers will be determined at the project implementation stage. There are unlikely to be any workers who fit the definition of primary supply workers as supplies are likely to be procured on a one-off basis rather than ongoing through the Project duration. Notwithstanding this, in the event that Primary Supply Workers are involved, contingency provision for this worker category is made in Table 2 below.

Primary supply workers would remain subject to the terms and conditions of their existing employment agreement and be covered by Project measures to address OHS issues, and child and forced labor.

3.1.4. Community workers

Community workers on the Project will typically be community members and/or project beneficiaries who are volunteers engaged by MIMRA associated with the Reimaanlok network and/or to support Project-related research activities. Volunteers engaged by MIMRA will have their terms and conditions defined under the provisions of a Release of Liability Form (Annex 2).

The community workers have no role in the procurement and management of any contracts.

The timing of use of community workers will cover the duration of the Project. The number of community workers associated with the Project is estimated to be around 20 to 30 and will be confirmed during the implementation phase.

Community workers be covered by Project measures to address OHS issues, and child and forced labor. They will also be subject to a code of conduct.

3.2. Summary of labor requirements

A summary of the Project labor requirements, including estimated number of workers and duration, is provided in Table 1.

Table 1: Summary of labor requirements

Type of project workers	Applicability of LMP	Characteristics of project workers	Timing of labor requirements	Indicative number of workers
Direct workers - government	OHS issues, and child and forced labor only	Existing workers employed by MIMRA who will be involved in Project implementation and staff hired by MIMRA using Project funding (e.g., Fisheries Economist, Fisheries' Inspectors etc)	Duration of project	20
Direct workers - other	Full scope of LMP applies	Staff hired using Project funding (e.g., PMU team Individual specialists directly contracted to the PMU.	Duration of project	10
Contracted workers	Full scope of LMP applies	Contractors or subcontractors hired for physical works (e.g., trades people, machinery operators, truck drivers). Consultants/specialists engaged via a firm to complete feasibility and other studies for the project (e.g., scientists, engineers).	Duration of physical works and studies	30 to 50
Primary supply workers	OHS issues, and child and forced labor only	Workers engaged by ongoing suppliers of construction materials and equipment.	Duration of physical works	To be determined during implementation
Community workers	OHS issues, and child and forced labor only	Volunteers engaged by MIMRA to assist with the Reimaanlok network and Project-related research activities.	Duration of physical works and studies	20 to 30

4. Overview of Labour Regulation

4.1. National Requirements

This section provides an overview of labor regulation in RMI.

4.1.1. Terms and Conditions

No laws, regulations or statutory provisions are in place in RMI to regulate working conditions, access to workers organizations, terms and conditions applying to workers potentially engaged on Project activities.

4.1.2. Non-resident Workers

The RMI Labor (Non-Resident Workers) Act 2006 sets out various requirements of workers including the need to hold work visas by foreign (other than USA) contractors and workers.

4.1.3. MIMRA Employee Policy Handbook

MIMRA has developed an Employee Policy Handbook, with an operative March 2000 version and a proposed 2022 update which is pending MIMRA Board approval.

These handbooks address a range of employment matters including gender equality, recruitment, compensation, holidays and benefits, workplace safety, performance management, disciplinary actions and termination.

4.1.4. International Conventions

Since joining the International Labor Organization (ILO) in July 2007, RMI has ratified three ILO Conventions, two of which the Maritime Labour Convention 2006/2007, and Convention 185 – Seafarers’ Identity Documents Convention 2011 do not relate to the Project. RMI has also ratified the ILO Worst Forms of Child Labour Convention (C182), which applies to persons under the age of 18 and is therefore not relevant to this Project given that no workers under the age of 18 will be engaged on the Project. The minimum age of employment in RMI is not defined in law.

4.1.5. Occupational Health and Safety

There are no GoRMI laws relating to Occupational Health and Safety (OHS).

Contractors and other workers engaged on the project will be subject to appropriate OHS procedures as set out in the ESMP.

OHS risks for Direct Workers will be identified in subproject specific Standard Operating Procedures (SOPs) and/or Job Hazard Analyses to be prepared.

4.2. Requirements of ESS2

The requirements of ESS2 cover the following areas: (a) working conditions and management of worker relationships; (b) protecting the workforce; (c) workers' access to a grievance redress mechanism; and (d) OHS measures.

Working conditions and management of worker relationships include requirements that:

- Project workers are provided with clear terms and conditions of employment, consistent with national legal requirements.
- The principles of non-discrimination and equal opportunity are applied to project workers, and vulnerable project workers are protected.
- The rights of workers to form workers organisations, consistent with national law, are respected.

Protecting the workforce requirements include:

- Provisions to prevent the employment of children below the age of 14 or the national legal minimum, whichever is higher, and restrictions on the employment of children under 18;
- Prevention of forced labor.
- Requirement for direct and contracted workers to have access to a grievance mechanism. The grievance mechanism for contracted workers must be provided by the direct employer and is separate from the project grievance mechanism.

OHS requirements must address:

- Identification of potential hazards to project workers, particularly those that may be life-threatening.
- Provision of preventative and protective measures, including modification, substitution or elimination of hazardous conditions or substances.
- Training of project workers and maintenance of training records.
- Documentation and reporting of occupational accidents, diseases and incidents.
- Emergency prevention preparedness and response arrangements to emergencies.
- Remedies for adverse impacts, including occupational injuries, deaths, disabilities and disease.

5. Key Project Labor Risks and Mitigation Overview

The key labor-related risks associated with the project are:

- **Terms of employment not secured by contractual agreements.** This risk mainly applies to contractors who will employ project workers as they are likely unfamiliar with the labor and working condition requirements and there is a risk that such requirements will not be met.
- **Workers suffer discrimination and lack of equal opportunity in employment.** Vulnerable and disadvantaged people (e.g., women and persons with disabilities) may be subject to increased risk of exclusion from employment opportunities under the Project. Lack of equal pay for equal work for men and women is also a risk
- **Use of child labor contravenes national legislation and international conventions ratified by RMI.** Contractors and suppliers may use children for economic reasons and and/or not verify the ages of potential workers. There is also a risk of child labor being engaged as community workers.
- **Risks of workplace accidents, or emergencies.** The understanding and management of OHS risks at worksites in RMI is generally poor and this exacerbates the risks of accidents and exposure to hazardous materials. Traffic safety in RMI is also an issue with roads often being poorly maintained and vehicles not always equipped with standard safety features. Direct workers will travel between project sites most likely via boat, and there is a need to ensure that vessels used are equipped with appropriate safety equipment.
- **Sexual Exploitation and Abuse (SEA), Gender Based Violence (GBV) and Violence Against Children (VAC) to workers and community from Project workforce.** This has been identified as a major potential risk identified for RMI projects generally.

The key labor risks and mitigation for addressing these risks are summarized in Table 2. Details of the policies and procedures (i.e., mitigations) to address these are provided in Section 6.

Table 2: Key labor risks and mitigation summary

Type of project workers	Terms of employment not secured by contractual agreements	Workers suffer discrimination and lack of equal opportunity in employment	Use of child labor contravenes national legislation and international conventions ratified by RMI	Risks of workplace accidents, or emergencies	Sexual Exploitation, Abuse and Harassment (SEA/SH), Gender Based Violence (GBV) and Violence Against Children (VAC) of workers and community
<p><u>Direct workers – government</u> Public servants employed by MIMRA who will be involved in Project implementation, including MIMRA staff hired using Project funding (e.g., Fisheries Economist, Fisheries’ Inspectors, etc).</p>	<p>All MIMRA workers fall under MIMRA’s internal HR protocols which cover:</p> <ul style="list-style-type: none"> - Employment period, remuneration, tax and insurance payments. - Transparent procurement processes - Equal opportunity employment. 		<p>The IA has confirmed it will not engage any workers younger than 18 years of age on the Project.</p>	<p>OHS measures to be implemented as described in the ESMP. This includes the implementation of existing MIMRA procedures (where relevant) and the development and implementation of activity-specific OHS procedures where required.</p>	<p>All MIMRA workers fall under MIMRA’s internal HR protocols which cover:</p> <ul style="list-style-type: none"> - Behaviour expectations. - Zero tolerance of sexual harassment.
<p><u>Direct workers – other</u> PMU team and individual consultants directly contracted to the PMU</p>	<p>The terms and conditions for direct workers will be governed by the terms of Standard RMI CIU Consultancy contracts, which provides details on pay and working conditions in line with RMI law and ESS2 requirements.</p>	<p>Recruitment procedures will be documented and filed in accordance with the requirements of this LMP.</p>			<p>Codes of Conduct (CoC), including SEA/SH are signed by workers (see Annex 1 of this LMP) and all workers receive CoC awareness training prior to undertaking project activities. Project GRM addresses concerns raised concerning GBV, SEA and VAC in regard to the Project. Workers have access to contractor GRM for any workplace, contractual or pay and working condition concerns.</p>
<p><u>Contracted workers</u> Contractors or subcontractors hired for physical works (e.g., trades people, machinery operators, truck drivers).</p>	<p>Contracts for contracted workers are to include details on pay and working conditions in line with RMI law and ESS2 requirements.</p>	<p>Procurement processes to be transparent and reflect equal opportunity employment.</p>	<p>Condition of contract for contractors/consulting firms will include ban on engaging any workers younger than 18 years of age</p>	<p>OHS measures to be implemented as described in the ESMP. This includes the development and implementation of activity-specific OHS</p>	

Type of project workers	Terms of employment not secured by contractual agreements	Workers suffer discrimination and lack of equal opportunity in employment	Use of child labor contravenes national legislation and international conventions ratified by RMI	Risks of workplace accidents, or emergencies	Sexual Exploitation, Abuse and Harassment (SEA/SH), Gender Based Violence (GBV) and Violence Against Children (VAC) of workers and community
Consultants engaged via a firm to complete feasibility and other studies for the project (e.g., scientists, engineers)				procedures for each activity.	
Primary supply workers	Outside scope of ESS2	Outside scope of ESS2	In case of construction material suppliers, Contractors shall be required to carry out due diligence to identify if there are significant risks that the suppliers are exploiting child or forced labor or exposing workers to serious safety issues.	If there are serious safety concerns with primary suppliers, they will be excluded and other suppliers secured.	If there are serious SEA/SH/GBV or VAC concerns with primary suppliers, they will be excluded and other suppliers secured.
<u>Community workers</u>	Terms of engagement are set out in Release of Liability form (Annex 2). The form specifies employment arrangements.	Selection of volunteer workers to be undertaken on a transparent basis, with work offered to any person who meets necessary experience pre-requisites.	No person under the age of 18 will be used as a volunteer – to be added to Revised Release of Liability form (Annex 3).	Supervision by MIMRA staff and the implementation of existing MIMRA procedures (where relevant) and the development and implementation of activity-specific OHS procedures where required. Current Release of Liability Form excludes MIMRA liability for workplace safety or other matters. The Release of Liability Form shall be revised in this regard to reflect LMP requirements for	Current Release of Liability Form does not address SEA/SH, GBV, VAC. The Release of Liability Form shall be revised in this regard to reflect LMP requirements for SEA/SH, GBV, VAC as set out in Annex 3 – inclusion of Code of Conduct for signature by worker.

Type of project workers	Terms of employment not secured by contractual agreements	Workers suffer discrimination and lack of equal opportunity in employment	Use of child labor contravenes national legislation and international conventions ratified by RMI	Risks of workplace accidents, or emergencies	Sexual Exploitation, Abuse and Harassment (SEA/SH), Gender Based Violence (GBV) and Violence Against Children (VAC) of workers and community
				workplace safety as set out in Annex 3.	

6. Project-related Labour Policies and Procedures

6.1. Terms and conditions of employment

Terms and conditions of direct workers are determined by their individual contracts. All the recruiting procedures will be documented and filed by the PMU. Requirements and conditions of overtime and leave entitlements (statutory holidays, annual holidays, sick leave and compassionate leave) will be agreed as part of individual contracts. Employment conditions will, in all cases, be via a mutually agreed contract or other mutual agreement, and employment information will be fully disclosed to the worker. Workers will be paid on a regular basis, will not be discriminated against, and will have recourse to a grievance mechanism if they feel that is the case. Workers will be provided with a safe and functional workplace, including access to potable water, and access to rest room facilities.

In particular, at the beginning of employment, workers will be provided with information on the following as appropriate:

- The name and legal domicile of the employer;
- The worker's name;
- The worker's job title;
- The date employment began;
- Where the employment is not permanent, the anticipated duration of the contract;
- The place of work, or where the work is mobile, the main location;
- Housing and accommodation provisions and payment required, if any;
- Provisions regarding food and payment required, if any;
- Hours of work, rest breaks, leave entitlements, and other related matters;
- Rules relating to overtime and overtime compensation;
- The levels and rules relating to the calculation of salary, wages, and other benefits, including any rules related to timing of payment and deductions;
- The pension and other welfare arrangements if any applicable to the worker;
- The length of notice that the worker can expect to give and receive on termination of employment;
- The disciplinary procedures that are applicable to the worker, including details of representation available to the worker and any appeals mechanism;
- Details of grievance procedures, including the person to whom grievances should be addressed; and
- Any collective bargaining arrangements if any that apply to the worker.

Relevant provisions from this list have been included in the Revised MIMRA Release of Liability Form set out in Annex 3.

6.2. Age of employment

The minimum age of employment in RMI is not defined in law.

The IA has confirmed that the Project will not engage any workers younger than 18 years of age on the Project.

All project workers will be asked to produce identification documents (ID) such as birth certificates, passports, driver's license or other valid method such as copies of academic certificates, testimony/affidavits from officials of the schools attended, a medical examination, statements from family members and parish/village officials/local authorities.

Copies of the IDs and documents pertaining to the applicant's age and other supporting materials will be filed by the PMU.

6.3. Gender Based Violence, Sexual Exploitation, Abuse, Harassment and Violence against Children

Women and girls in RMI continue to face multiple barriers that prevent them from enjoying a life free from violence and coercion and where they can access equal opportunities and equal rights. Teenage pregnancy, violence against women and girls, vulnerable employment conditions, unemployment, and limited access to justice and protection are priority areas that the GoRMI and development partners are addressing. This support includes capacity building and institutional strengthening of the Ministry of Internal and Cultural Affairs, the government agency responsible for coordination of gender-based violence and violence against children; financial support for Women United in Marshall Islands' (WUTMI) "Weto in Mour: Violence Against Women and Girls Support Service" (WIM) – the lead GBV/VAC specialist agency in the RMI, and extending/strengthening counselling and other prevention and responsive services in the neighboring islands.

WIM is co-funded by the government and donor partners, and works to ensure that survivor of GBV and SEA are accommodated in safety, have basic necessities and are provided with transport fares to enable them to attend their appointments with Micronesian Legal Services and with WIM for psychosocial support.

The RMI Domestic Violence Prevention and Protection Act provides for a temporary protection order if the judge is satisfied that a complainant, or a child in the care of a complainant, is in danger from an act of domestic violence. A judge is available 24/7 to consider protection order applications, with no filing fees charged.

The Worker Grievance Mechanism (Section 0) includes procedures to deal with complaints related to sexual exploitation, abuse and harassment.

Mandatory GBV induction training will be provided by the CIU to all 'direct workers – other' within 1 month of commencement of employment. This training will include information on identifying and responding to situations involving actual/potential GBV, SEAH, VAC and HT, using a survivor-centered approach and the roles of responsibilities of all parties in relation to dealing with these situations.

All workers are to receive awareness raising on, and will be required to sign, a Code of Conduct (CoC) (Annex 1 Code of Conduct)

Applicability – This code of conduct applies to the following workers on the RMI PROPER Project:

- Direct workers – other
- Contracted workers

For the purposes of this Code of Conduct, these workers are collectively referred to as “Project workers”. Project workers are required to sign this Code of Conduct as a condition of employment.

This Code of Conduct will be provided in Marshallese when required.

of this LMP) which outlines acceptable behavior for the workers and their role, including reference to GBV, SEA/SH.

6.4. Occupational health and safety

There is no Occupational Health and Safety (OHS) legislation in RMI. The Project has adopted World Bank Group EHS Guidelines for OH&S risks for all direct workers - other and contractors. ‘Direct workers – government’ will follow MIMRA’s OHS system except where additional task-specific actions are required (as outlined in the ESMP).

To ensure OHS protection in the absence of national legislation, workers will be required to operate in accordance with relevant the WBG EHS Guidelines and Contractor staff will need to adhere to the OHS requirements in the Contractor Environmental and Social Management Plan (CESMP) to be prepared by the Contractor which also include working conditions.

Project workers will receive training during induction, thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file. Training will cover relevant aspects of OHS associated with daily work, including the ability to stop work without retaliation in situations of imminent danger. OHS management for Contractors is addressed in the CESMP. OHS risks for direct workers will be identified in task specific SOPs and/or JHAs that will be prepared as part of the screening process and reviewed by the CIU.

Contractors are required to prepare and implement their CESMP which is to be approved by the CIU prior to commencing works. CESMPs for Moderate-Risk projects also need to be submitted to the World Bank for approval. Contractors are to conduct training for all workers on the CESMP and on health and safety matters as required by good engineering practice.

Workers are to be provided with appropriate PPE suitable for civil work such as safety boots, helmets, gloves, protective clothes, goggles and ear protection (as appropriate) at no cost to the workers. Workers are to be provided by the Contractor, with potable water supplies, first aid facilities, a toilet and hand washing facilities at works sites.

As noted above, all workers are required to receive awareness raising on, and will be required to sign, a Code of Conduct (CoC) (Annex 1 Code of Conduct)

Applicability – This code of conduct applies to the following workers on the RMI PROPER Project:

- Direct workers – other

- Contracted workers

For the purposes of this Code of Conduct, these workers are collectively referred to as “Project workers”. Project workers are required to sign this Code of Conduct as a condition of employment.

This Code of Conduct will be provided in Marshallese when required.

of this LMP) which outlines acceptable behavior for the workers and their role, including reference to GBV, SEA/SH. In addition, relevant OHS requirements set out in the ESMP will be required to be inserted into bidding documents.

6.5. Workers’ rights to refuse unsafe work environments

Workplace processes will be put in place for project workers to report work situations that they believe are not safe or healthy. Project workers can remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health. Project workers who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal.

The CoC (Annex 1) sets out a recognition for workers to refuse unsafe work environments without repercussions.

7. Worker’s Grievance Mechanism

7.1. Direct Workers

This section describes the Worker’s Grievance Redress Mechanism (GRM) for ‘Direct Workers – other’, including procedures for dealing with workplace matters involving SEA/SH. The Worker’s GRM does not apply to ‘Direct Workers – Government’ (i.e., for MIMRA workers) pursuant to paragraph 8 of ESS2. These MIMRA workers will rely on the Grievance Resolution Procedures in the 2022 MIMRA Employee Policy Handbook.

The process for lodging and managing labour grievances is provided in Table 3.

Confidentiality for all grievances will be maintained, and there will be no retaliation against workers for raising a grievance.

Table 3: Worker’s Grievance Mechanism

Step	Process
1	<p><u>Lodgment and initial informal process</u></p> <ul style="list-style-type: none"> - Managers and Workers are encouraged to use informal methods of resolving disagreements or disputes. - If Workers have a reasonable grievance or complaint regarding their work or the people they work with they should, wherever possible, start by talking it over with their manager. It may be possible to agree a solution informally between the Worker and the manager. - If discussions with line managers fail to resolve the issue, it is still possible to pursue an informal approach without triggering a formal procedure. For example, an independent senior RMI Government official could host an informal meeting or discussion. - Grievances from new employees about recruitment practices will typically need to be made to the PMU Project Coordinator.
2	<p><u>Formal grievance hearing</u></p> <ul style="list-style-type: none"> - If the matter is serious and/or the worker wishes to raise the matter formally, the Worker should set out the grievance in writing to the PMU Project Coordinator. This submission should be factual and avoid language that is insulting or abusive. - The PMU Project Coordinator will then call the Worker and the Worker’s Line Manager (or representative) to a meeting to discuss the Worker’s grievance within a predetermined period of time [nominally 3 weeks] after receiving the complaint. - The Worker has the right to be accompanied by a colleague at this meeting on request. - After the meeting, the PMU Project Coordinator will give the Worker minutes of the meeting signed by both parties and a decision in writing, within a predetermined period of time [nominally 4 weeks].
3	<p><u>Appeal to MIMRA Director</u></p> <ul style="list-style-type: none"> - If the Worker is not satisfied with the above decision, the worker may appeal the decision to the <u>MIMRA Director</u>. - The <u>MIMRA Director</u> in relation to the appeal on the Grievance.

	<ul style="list-style-type: none"> - The <u>MIMRA Director</u> will then call the Worker to a meeting to discuss the worker’s grievance within a predetermined period of time [nominally 3 weeks] after receiving the complaint. - The Worker has the right to be accompanied by a colleague at this meeting on request. - After the meeting, the <u>MIMRA Director</u> will give the Worker minutes of the meeting signed by both parties and a decision in writing, within a predetermined period of time [nominally 4 weeks]. - The above decision is final within the terms of the grievance mechanism which is deemed to cease at this stage. However, the Worker retains the ability to refer the complaint or grievance to the court for arbitration within the laws of RMI.
<p>Important Note</p>	<p><i>Highest priority will be given to grievances concerning workplace GBV, SEA/SH or VAC. The Project will first seek to ensure that the victim is safe and has access to required support services. For these reasons, a referral will be made to the Women United in Marshall Islands Weto in Mour: Violence against Women and Girls Support Service. This process will be reviewed and confirmed during Worker Code of Conduct awareness sessions, including disclosure options to ensure accountability, confidentiality and sensitivity.</i></p>

7.2. Contracted Workers

All contracts will be required to include a Worker Grievance Redress Mechanism. CIU E&S Team will assess these contracts for alignment with the LMP. The contract Worker Grievance Redress Mechanism will need to provide provisions for maintaining confidentiality for all grievances at all times and providing for no retaliation against workers for raising a grievance.

7.3. Notification

During employee induction, ‘Direct Workers – other’ and ‘Contracted Workers’ will be advised that there is a Worker Grievance Mechanism where workers can raise complaints and have them processed. Moreover, the Project Coordinator will provide contact information and provide a location where Contract Workers can log their complaints.

8. Roles and Responsibilities

The owner of this LMP is the PMU who will lead its implementation, however, there are many roles that input to the implementation of the activities specified in this LMP. The key parties involved in the LMP process, and their responsibilities are provided in Table 4 .

Table 4: Responsibilities for implementation

Party	Responsibilities
Marshall Islands Marine Resources Authority	<p>The MIMRA Director is to ensure that:</p> <ul style="list-style-type: none"> - All MIMRA workers engaged either part time or full time on the Project (i.e., Direct workers – Government) are aware of OHS provisions of this LMP - All MIMRA workers engaged either part time or full time on the Project have produced identification documents confirming age is over 18 years - Project workers to be aware of and implement OHS requirements as part of routine work activities
Project Management Unit	<p>Project Coordinator (or nominated delegate) to:</p> <ul style="list-style-type: none"> - Insert LMP provisions in Draft TORs, Bid Documentation and Contracts - Ensure LMP provisions including OHS matters are observed by PMU workers (i.e., Direct workers – other) and contractors - Ensure all PMU workers and contractors have received orientation on and have signed the Code of Conduct. - PMU workers and contractors have access to a Worker GM for any workplace, contractual or pay and working condition concerns including GBV, SEA and VAC. - Manage the Worker GM and report any GM issues to the CIU Safeguards Team and WB Task Team - Verify that all Project workers have produced identification documents confirming age is over 18 years - Ensure that copies of the IDs and documents pertaining to the applicant's age and other supporting materials are filed by the PMU. - Implement workplace processes for project workers: <ul style="list-style-type: none"> o to report work situations that they believe are not safe or healthy. o to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health. o who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken. o will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal. - File all individual contracts for Project workers
Centralized Implementation Unit	<p>CIU E&S Team to:</p> <ul style="list-style-type: none"> - Prepare updates to LMP if and when required - In consultation with the PMU, conduct awareness training of LMP provisions for PMU and MIMRA on project implementation and thereafter on an annual basis - In consultation with the PMU, provide all direct workers with CoC awareness training prior to undertaking project activities. - In consultation with the PMU, provide Project workers with training during induction, thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file. Training to cover relevant

Party	Responsibilities
	aspects of OHS associated with daily work, including the ability to stop work without retaliation in situations of imminent danger. <ul style="list-style-type: none"> - Review of all PROPER Bid and Contract documentation to verify LMP provisions are included - this includes support to PMU to ensure provisions related to SEA/SH risk mitigation e.g., inclusion of Code of Conduct. - Conduct periodic audits at least annually, to ensure LMP provisions including OHS provisions applying to all workers (including contract workers) are observed.
Project Steering Committee	A Project Steering Committee will provide the oversight and strategic guidance for the Project implementation. This includes receiving reports from Project Coordinator on OHS, Worker GRM or other LMP matters as appropriate.
Works Supervisor	A works supervisor from MIMRA or the Ministry of Works, Infrastructure, and Utilities will be appointed to each construction works contract. They will be responsible for overseeing the contractor, including oversight of labor, safety and environment management at the works site.
MIMRA EHS/H&S representative	The MIMRA EHS/H&S representative will provide support to the Works Supervisor in the monitoring of labor, safety and environment management at the work sites.
Contractors	Contractors are to: <ul style="list-style-type: none"> - Ensure employment provisions in TOR including OHS matters are observed - Ensure all workers are aware of and have signed the Code of Conduct and that all workers have access to the Labor GM for any workplace, contractual or pay and working condition concerns including GBV, SEA and VAC. - Immediately advise Project Coordinator of any worker GRM issues. - Ensure that no person under the age of 18 to be contracted or engaged on Project activities. - Implement workplace processes for project workers: <ul style="list-style-type: none"> o To report work situations that they believe are not safe or healthy. o To remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health. Workers who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken and will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal.

Annex 1 Code of Conduct

Applicability – This code of conduct applies to the following workers on the RMI PROPER Project:

- Direct workers – other
- Contracted workers
- Community workers (i.e., volunteers)

For the purposes of this Code of Conduct, these workers are collectively referred to as “Project workers”. Project workers are required to sign this Code of Conduct as a condition of employment.

This Code of Conduct will be provided in Marshallese when required.

Code of Conduct

The RMI PROPER Project (the Project) has a duty to implement measures to address environmental and social risks related to the Works including the risks of sexual exploitation and abuse (SEA) and sexual harassment (SH). This Code of Conduct is part of measures required under the Project to deal with potential environmental and social risks related to construction works and other activities undertaken under the Project.

This Code of Conduct identifies the behavior that the Project requires from all Contractor/Employer’s Personnel.

The workplace is an environment where unsafe, offensive, abusive, or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

Required Conduct

I, _____, acknowledge that adhering to environmental, social, health and safety (ESHS) standards and the Project’s occupational health and safety (OHS), and sexual exploitation and abuse (SEA) and sexual harassment (SH) requirements are important.

I agree that while working on the Project I will:

- a) Comply with this Code of Conduct and all laws of the Republic of Marshall Islands, regulations, and other requirements, including protecting the health, safety and well-being of other Contractor/Employer’s Personnel and any other persons.
- b) Consent to a background check in any place I have worked for more than six months.
- c) Attend training courses related to ESHS, OHS, and SEA/SH as requested by my employer.
- d) Carry out my duties competently and diligently.
- e) Avoid and declare any conflicts of interest (such as benefits, contracts, or employment, or any preferential treatment or favors are not provided to any person with whom there is a financial, family, or personal connection).
- f) Ensure the proper use of all worksites including not engaging in theft, carelessness, or waste.
- g) Use specified sanitary facilities provided by the employer and not open areas.

- h) Maintain a safe working environment including by:
- Ensuring that workplaces, machinery, equipment, and processes are safe.
 - Wearing personal protective equipment when required at Project Site.
 - Using appropriate protective measures relating to chemical, physical, and biological substances and agents.
 - Following applicable emergency operating procedures.
 - Reporting work situations that are not safe or healthy.
 - Removing myself from a work situation which is an imminent and serious danger to my life or health.
- i) Not consume alcohol or use of narcotics, drugs or other substances which can impair faculties during work activities, including attending work under the influence of these substances.
- j) Not discriminate against any person based on family status, ethnicity, race, gender, sexual orientation and identity, age, language, religion, marital status, political or other opinion, national origin, disability, health, or other status.
- k) Treat all members of the community(ies) and any affected person(s) with respect, including to respecting their religion, culture, beliefs, and traditions.
- l) Not use language or behavior toward any person that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- m) Comply with all laws of the Republic of the Marshall Islands, including but not limited to, not perpetrating any form of physical or sexual violence.
- n) Not exploit or sexually exploit or abuse (SEA)⁴ any person.
- o) Not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature toward Contractor/Employer's Personnel other Contractors, visitors to Project Sites or any other persons at or around the Project Sites.
- p) Not engage in sexual favors with any Contractor/Employer's Personnel or members of the community.
- q) Not use prostitution in any form at any time.
- r) Not engage in Rape⁵.
- s) Not engage in Sexual Assault⁶.
- t) Not engage in human trafficking of any person or exploit a trafficked person.

⁴ SEA means 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. In Bank financed projects/operations, sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain

⁵ Rape means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape.

⁶ Sexual assault means any form of non-consensual sexual contact that does not result in or include penetration. Examples include attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks.

- u) Not participate in sexual contact or activity with children under the age of 18, except in the case of a pre-existing marriage. Mistaken belief regarding the age of a child or “consent” from the child are not a defense or excuse.
- v) Unless there is the full consent⁷ by all parties involved, not have sexual interactions with any person.
- w) Ensure the protection and safety of children under the age of 18 by:
 - Informing my manager of the presence of any children on the Project Site or who are engaged in hazardous activities as part of the Project.
 - Wherever possible, ensuring that another adult is present when working close to children.
 - Not inviting unaccompanied children, who are not my family, into my home.
 - Not accessing child pornography.
 - Refraining from physical punishment or discipline of children.
 - Taking appropriate caution when photographing or filming children for work-related purposes⁸.
- x. Report through the GM or to my manager any breaches of this Code of Conduct.

I understand that:

1. Failures to comply with this Code of Conduct constitute acts of gross misconduct and are therefore grounds for sanctions, penalties, and/or potential termination of employment. Prosecution by the police of those who break the law of the Republic of Marshall Islands may be pursued if appropriate.
2. If I breach this Code of Conduct, my employer will take disciplinary action which could include:
 - Informal or formal warning.
 - Additional training.
 - Loss of up to a salary for a period of time.
 - Suspension of employment (without payment of salary), for a period of time.
 - Termination of employment.
 - Report to the police or other relevant authorities.

I do hereby acknowledge that I have received and read this Code of Conduct in a language that I comprehend, I agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, and SEA and SH.

⁷ Consent is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Consent cannot be given by a child under the age of 18, even where legislation in the RMI has a lower age.

⁸ Including complying with local traditions or restrictions for reproducing personal images, obtaining informed consent from the child and a parent or guardian of the child, and presenting children in a dignified and respectful manner.

Consequences of Violating the Code of Conduct

Any violation of this Code of Conduct by Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

I understand that any action inconsistent with this Code of Conduct or failure to act mandated by this Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Name: _____

Position: _____ Date: _____

KŌRĻŌK JĀN AN BŌK EDDO AN RI-JERBAĻ ITO ITAK

Research ilo Lojet

Ña, ri-jain eo, kōn kōṇaan eo aō make, ij bōk koṇaō ilo ṁakūtkūt kein:

[MAKŪTKŪT]

(jān ijin ṁaanḷok “ṁakūtkūt”). Ij kwaḷok ke ewōr aō jeḷā kōn ṁakūtkūt in im menin uwōta ko ṇān ājmuur eo aō im an ro jet ak men ko ṁweiō im men ko ṁweien ro jet im renaaj jebar jān ṁakūtkūt in. Ilo aō kile menin kauwōtata kein, ij bōk eddoin jabdewōt ak aolep menin kauwōtata ko remaroñ waḷok ilo aō make kāālōt bwe in bōk koṇaō ilo ṁakūtkūt in im ilo ito itak ko ikijjeen ṁakūtkūt in.

Imeḷeḷe im ij errā bwe MIMRA ejjab bōk eddoin jabdewōt men ko inaaḷ kōṁṁani ak ro jet renaaj kōṁṁani ilo iien in im inaaḷ bōk koṇaō ilo im ito itak ikijjeen ṁakūtkūt in.

Ilo “consideration” eo an MIMRA letok iaḷ ak iien im kōtḷok aō bōk koṇaō ilo ṁakūtkūt in, ilo aō kile ke ekkar “consideration” eo ear itok, ij kiiō kwaḷok aō jeḷā kake, im ij kiiō kōrḷok, bōk eddo ko jān, joḷok, im ban ṇa ruōn MIMRA, opija ro an, “trustee” ro, ri-jerbal ro, ro rej itok ilo etan, ri-tōl in “volunteer” ro im MIMRA ear jitōñer, jān aolep menin bōk eddo, ak “claim” in bōk eddo ko, meñe kōn jorrāān ko an armej make, jorrāān ko an ṁweiuk ko, ak ilo bar juon wāween, waḷok jān ak ilo an ekkejel ippān aō kar bōk koṇaō ilo ṁakūtkūt in im jabdewōt iaḷ in ito itak ikijjeen ṁakūtkūt in.

Ilo aō jain ilaḷ, ij kwaḷok ke iar riiti im meḷeḷe kōn peba in Kōrḷok jān An Bōk Eddo.

RI-ITO ITAK:

Jeiki etam	Jain	Raan
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RI-KAṀOOL:

Jeiki etam	Jain	Raan
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Annex 3 Proposed Revised MIMRA Volunteer Worker Release of Liability Form (Markup on original document)

RELEASE OF LIABILITY FORM

Marine Research Activity

I, the undersigned, desire to voluntarily participate in the following activity:

[SPECIFY ACTIVITY]

(hereinafter “activity”). I represent that I am knowledgeable of this activity and the risks of personal injury or property damage to myself and to others which may be associated with the activity. Notwithstanding these risks, I wish to assume them by voluntarily participating in this activity and any travel associated with this activity.

I certify that I am older than 18 years of age.

I understand that I will not receive any remuneration or any other compensation from MIMRA for my time involved in my participation,

I understand that I will be personally responsible for identification of workplace hazards and for implementation of appropriate preventative and protective measures and that I will follow instructions of MIMRA staff, and any relevant MIMRA standard operating procedure documents provided to me by MIMRA.

I understand and agree that the Marshall Islands Marine Resources Authority (hereinafter “MIMRA”) accepts no responsibility for my acts or the acts of others while I am participating in and traveling in connection with this activity.

I have been made aware of and have signed the Code of Conduct attached to this Form to signify my understanding of the Code and agreement to follow its requirements.

In consideration of MIMRA offering this opportunity and allowing me to participate in this activity, the receipt and sufficiency of said consideration being hereby acknowledged, I hereby do release, relieve, discharge and hold harmless MIMRA, its officers, trustees, employees, representatives, and volunteer leaders designated by MIMRA, from any and all liability or claim of liability, whether for personal injury, property damage, or otherwise, arising out of or in connection with my participation in this activity and any travel associated with this activity.

MARSHALLESE VERSION TO BE PREPARED.