

# Core Labor Standards Handbook

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# Background

- " Asia and Pacific free of poverty" - ADB's goal (1999 PRS)
- Regional TA on Strengthening the Role of Labor Standards in Selected DMCs (approved in 1999)
  - Child labor; gender discrimination in employment and occupation; occupational safety and health
- ADB's Social Protection Strategy approved in 2001 commit ADB to comply with the Core Labor Standards (CLS)
- Memorandum of Understanding between ADB and ILO signed in May 2002 facilitate collaboration between the two agencies
- ADB and ILO worked together to prepare the CLS Handbook under technical assistance for strengthening labor standards in selected DMCs

# Purpose of the Handbook

- provides information about the CLS
- describes the difference between core and non core labor standards
- provides practical knowledge on how ADB can apply CLS in its operations (at project level intervention and country partnership strategies)
- caters to ADB Operations staff and also to wider audience

# Implementing CLS in ADB Operations

## Core Labor Standards in the ADB Operational Cycle

	Issues related to Core Labor Standards
<b>Country partnership strategy (CPS)</b> <ul style="list-style-type: none"> <li>• Country poverty analysis</li> <li>• Country strategy and program</li> </ul>	<ul style="list-style-type: none"> <li>• Risk and vulnerability profile</li> <li>• A summary labor market assessment</li> </ul>
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<b>Pre-project design (PPTAs)</b> <ul style="list-style-type: none"> <li>• Concept papers (the project pipeline)</li> <li>• PPTA fact-finding missions</li> <li>• Initial poverty and social assessment</li> <li>• Technical assistance report</li> </ul>	<ul style="list-style-type: none"> <li>• Identification of bonded labor, child labor, or gender and other inequalities in employment (“flagging out”)</li> <li>• Identification of the need for special consultants in the PPTA team (labor, gender, etc.)</li> <li>• Identification of the situation concerning freedom of association</li> </ul>
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<b>Project Design</b> <ul style="list-style-type: none"> <li>• Selection of consultants</li> <li>• Inception report</li> <li>• Mid-term report</li> <li>• Final report</li> <li>• Draft RRP with SPRSS</li> <li>• Loan negotiations</li> </ul>	<ul style="list-style-type: none"> <li>• Designing necessary interventions to adhere to CLS</li> <li>• Participation with stakeholders concerning the future implementation of CLS clauses</li> <li>• Formulation of appropriate assurances/covenants for inclusion in loan documents</li> <li>• Scrutinizing draft bidding documents (in construction projects)</li> </ul>
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<b>Project Implementation</b> <ul style="list-style-type: none"> <li>• Government, executing and implementing agencies, beneficiaries</li> <li>• Contractors, suppliers, consultants</li> <li>• Review missions, progress reports</li> <li>• Mid-term review</li> <li>• Project Completion Report</li> <li>• Project Performance Evaluation Report</li> </ul>	<ul style="list-style-type: none"> <li>• Consultations with implementing agencies on CLS</li> <li>• Drafting model clauses for bidding documents</li> <li>• Compliance with national legislation concerning CLS and ILS</li> <li>• Monitoring and evaluating CLS</li> </ul>

# CLS in Country Partnership Strategy (CPS)

- Country Poverty Analysis – CLS can be considered in the (i) risk and vulnerability profile, and (ii) Summary of Labor Market Assessment
- Utilize existing ILO country study before going for a full assessment
- CPS to consider issues and interventions related to CLS, e.g.,:
  - ✓ legal framework and capacity to implement labor laws/regulations
  - ✓ ways to reduce discriminatory norms and practices (especially gender and ethnicity/caste based; conditions of children)
  - ✓ ways to improve mechanisms to provide safety net to workers (both formal and informal sectors)
  - ✓ space for citizens for collective actions and means for dispute resolutions
  - ✓ who is providing interventions related to CLS
- Opportunity to discuss with the private sector employers and trade unions

# CLS in Regional Cooperation Strategy and Program (RCSP)

- Not in the CLS Handbook
- Increasingly important issues, e.g.,
  - ✓ impact of improved connectivity on human trafficking risks and measures to promote 'safe' migration
  - ✓ legal rights of migrant workers
  - ✓ skills accreditation
- Proactive regional capacity building program on CLS (e.g., GMS's Phnom Penh Plan)
- Opportunity for consultation with trade unions and employers

# CLS in Project Pre-Design (Concept Paper to TA paper)

- Use information collected for CPS
- Type of interventions matters, e.g.
  - ✓ **Infrastructure** – child labor and gender-equal wages for equal work in civil works contract
  - ✓ **Public sector and regulatory reforms** – may involve CLS-related legislation?
  - ✓ **Type of contracting** to be involved – community-based, self-help schemes, labor contribution etc.
  - ✓ **Enterprise restructuring and privatization** projects – normally not involving CLS. But re-deployment does.
- Flag key issues and assess resource requirements for PPTA (part of standard IPSA format)
- Contact ILO country/regional office

# CLS in Project Design

- Basic rules are:
  - ✓ Ensure compliance with CLS and National Labor Law
  - ✓ Explore proactive ways to improve situation where CLS is not implemented (e.g., nonformal education, women empowerment component, police training, group formation, microfinance to reduce bonded labor)
- Project tools are:
  - ✓ Project assurances and covenants
  - ✓ Specific actions and components included in Project
  - ✓ Monitoring indicators & mechanisms as needed
  - ✓ Open and consultative process built in

# Sample Assurance: Workplace Safety, labor Law, and Occupational Health

The government will ensure and cause [the executing agency] to ensure that provisions are stipulated in all civil work contracts to require contractors employed under the project to incorporate minimum workplace occupational safety norms, including the core labor standards as identified by the fundamental ILO conventions.

The government shall ensure that civil works contractors comply with all applicable labor laws, do not employ child labor in any aspects of their activities, and provide appropriate facilities for children in construction campsites if such sites are established.

The contractors shall provide appropriate training, and information materials, for workers on HIV/AIDS prevention, using an NGO approved by the ministry of health, and that contractors and their workers observe local protocols concerning acceptable behavior toward the local population.....

A specific clause shall be included in bidding documents, and compliance shall be strictly monitored during project implementation.

# CLS in Project Implementation

- Bidding documents
- Monitor compliance and implementation of proactive components
- Engage stakeholders
- Project completion and post-evaluation (e.g., project completion report, project performance evaluation report, special evaluation study)

# Remember

- Read CLS Handbook
- Contact RSGS (Sri Wening Handayani as a focal person for labor/social protection)
- Contact local ILO Office
- Visit our website:  
<http://adb.org/socialprotection/>