

Social Monitoring Report

6 Annual Report
January 2019

Bhutan: SASEC Road Connectivity Project

Pasakha Access Road

Prepared by Department of Works, Ministry of Works and Human Settlements for the Royal Government of Bhutan and the Asian Development Bank.

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Construction, Supervision and Capacity Development for SASEC Road Connectivity

**Asian Development Bank Grant No. 0400-BHU(SF)
South Asian Sub-regional Economic Cooperation
(SASEC) Road Connectivity Project**

SOCIAL MONITORING REPORT (6)

July 2018

CURRENCY EQUIVALENTS

(as on 16 July, 2018)

Currency unit		Bhutanese Ngultrum
Nu. 1.00	=	US \$ 0.0146
US \$ 1.00	=	Nu. 68.44

Acronyms

ADB	Asian Development Bank
AIDS	Acquired Immunodeficiency Virus
AP	Affected Person(s)
CDCL	Construction Development Corporation Limited
CSC	Construction Supervision Consultants
DOR	Department of Roads
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
RWRA	Foreign Workers Recruitment Agencies
HISC	Health and Information Service Center
HIV	Human Immunodeficiency Virus
MoLHR	Ministry of Labour and Human Resources
PAR	Pasakha Access Road
ROW	Right of way

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Background

1. This is the social monitoring report compiled for the ADB supported SASEC Road Connectivity Project; in particular the improvement of the Pasakha Access road (PAR). Awareness programs on HIV/AIDS which were conducted on 25/07/2018 and 27/07/2018 will be included in this report. The awareness programs which were scheduled for April 2018 could not be conducted then due to the unfavorable weather conditions and also due to the unavailability of a medical team to carry out the awareness programs.

2. The construction works of the PAR has been divided into the following three packages. Works at site of Package III (construction of the Gabion structures) have been stopped due to incessant heavy rains which have hampered on-going works.

Package number	Name of Project	Contractor	Date of Start	Revised Date of Completion
Package I	Construction of Bhalujhora Bridge	M/s Construction Development Corporation Ltd (CDCL), Thimphu	01/01/2018	11/05/2019
Package II	Construction of Multi-cellular box culvert, road works, LCS and gabion structures	M/s Bhutan Builders Pvt. Ltd. Thimphu	01/03/2018	10/06/2019
Package III	Construction of Gabion structures	M/s Druk Chapchab Construction Pvt. Ltd. & Gyalcon Infrastructure Pvt. Ltd. (JV), Phuentsholing	01/01/2018	18/04/2019

Site Monitoring

3. Site visits were made to Package I and Package II. During the site visit, all workers were seen wearing the safety gears provided by the contractor. Traffic and message boards have been put up in strategic points to inform the public of on-going construction works or new road markings or changes to the road surface. This provides safety and security to both the public and to the workers. On a dry day, water trucks ply the road to control dust and pollution. This is done twice daily.

4. Bhutan's Labour rule does not permit the employment of workers below the age of 18 years in the construction industry. The Government is firm on this and this is evident during the entire process of obtaining the work permit. Although employers are encouraged to employ women, female foreign workers cannot be recruited for construction works in

Bhutan. Package I has recruited four national female workers who are being paid at par to the male workers. They have been provided with separate quarters, kitchens and toilets within the workers campsite.

5. There are adhoc visits made by specific Government agencies to monitor the construction sites. The employer/contractor run the risks of being imposed heavy fines if an underage worker is found on the site or if a foreign worker is found without proper work permits.

Package I

6. The toilets and bathrooms for the workers are complete and being used. The camp site has been properly maintained. Additional roofing has been put up outside each room to protect the rooms from heavy rains. Two workers are given a room which has been divided into a kitchen and sleeping room. Although all the rooms are provided with light and fan, a majority of the rooms did not have proper ventilation. The site engineers/contractor has been informed and advised to ensure that all the rooms have a proper ventilated window.

Package II

7. Due to heavy rains, there are ongoing works only at selected sections of the project site. The work force is also not in full capacity – currently about 44 in total. So only a part of the camp is being occupied. The accommodation sheds for the workers have been improvised and kitchens are built separately. However, the site engineer has been advised to keep the surroundings of the camps clean and to ensure that disposal pits are being maintained properly.

Resettlement Impacts

8. Based on the ADB Safeguard Policy Statement 2009, the project has been classified as category 'B' in terms of involuntary resettlement. Only one semi-permanent structure has been affected by the project. Built on Government land, this illegal structure is occupied by Ap Nala and his family. This illegal structure must be demolished as per Bhutan's Road Act. However, since this is an ADB financed project, the Royal Government of Bhutan, who is the client, will have to compensate for the involuntary displacement of the affected household in accordance to ADB's Safeguard Policy Statement 2009.

9. After exploring various options (refer to Social Monitoring Report 2, April 2016), it has been decided that the project will build a retaining wall on northern side of the house which will serve a dual purpose in retaining a road embankment and protecting the affected

structure. This will not have any impact on Mr. Nala and his family. This wall will be constructed once the bridge has been completed.

10. Nonetheless, the AP is aware of the Grievances Redress Mechanism (GRM) for this project. His initial point of contact is the CSC engineers on site, who will record and report to the CSC team leader. The Grievance Redress Committee (GRC) for this project is an adhoc body consisting of the Project Manager, the CSC and the Phuentsholing Thromde. The GRC will address the APs concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate and readily accessible to the AP at no costs and without retribution.

11. Other than the above issue, there are no other land acquisitions or involuntary resettlement required in this project and all the road construction works are being taken within the available ROW.

HIV/Aids Prevention Program

12. The construction industry in Bhutan is largely dependent on migrant male workers from India who according to Bhutan's immigration rules are not permitted to bring their family/spouse with them. These workers who are far away from their homes have less constraints and more money to spend on entertainment in the form of alcohol and sex. A porous border added with high mobility can lead to them having more than one partner inside and outside Bhutan. Young girls and women from the locality who are poor and uneducated can also be at risk as they move from construction sites to sell sex or be lured into sex by male workers. In addition, the lack of economic power means that most of them are unable to negotiate safer sex.

Policies and Legislations

13. Bhutan is strict with its policies on immigrants, especially foreign workers. The Immigration Act of the Kingdom of Bhutan was passed in 2007. The Act ensures that Bhutan remains free of illegal immigrants and retains control over the immigration of foreigners for the security and prosperity of the nation. For foreigners seeking employment in Bhutan, a work permit is issued only to those persons above 18 years. A foreign worker is allowed to work only at the specified work site and in specific occupations stated in the work permit.

14. A foreign worker can also be refused entry solely based on health. Article 63 (p. 28) of the Immigration Act of Bhutan (2007) states that 'A foreigner shall be inadmissible into the Kingdom on health grounds if his health conditions (a) is likely to be a danger to public

health or safety or (b) might reasonably be expected to cause excessive demand on health and social services'. This is reiterated again in the Handbook on the Recruitment and Employment of Foreign Workers¹ published by the Ministry of Labor and Human Resources (MoLHR). The handbook states that only those who are medically fit and free of any communicable diseases confirmed by a medical fitness issued by a professional medical practitioner from the hospitals in Bhutan, can be recruited as a foreign workers. This rule has been justified in the interest of the public welfare and national security.

15. During the employment of foreign workers in Bhutan, the employer is responsible for ensuring that the workers are medically fit at all times and free from contagious diseases and drug addiction. Compensations for death or injuries on sites should be made as per the laws, rules and regulations. Housing/accommodation of reasonable condition to be provided by the employer at his/her expense.

Monitoring mechanisms

16. The Ministry of Labour and Human Resources takes the lead responsibility in overseeing the recruitment, mobilization and monitoring of foreign workers. Other stakeholders include the Department of Immigration, Ministry of Health, National Environment Commission, Foreign Workers Recruitment Agencies and Diagnostic Centers and also the employers.

17. Employment officers/immigration inspectors/labour inspectors/environment officers are permitted to enter at any reasonable time the premises and workplaces where foreign workers are located, to undertake inspection, to check validity of work permits and on the implementation of the enterprise's training plans. These are monitoring requirements imposed on respective Ministries, departments and agencies by Bhutan's labour rules to ensure clause compliance. Even the employers and the workers have the responsibility in implementing the provisions and standards as specified in the Regulation for Occupational Health Safety Welfare at the workplace.

18. Foreign Workers Recruitment Agencies (FRWA) were introduced only in 2007. They were given the responsibility of recruiting and mobilizing all Indian migrant workers. The recruitment process includes medical checkups at the point of entry into Bhutan. The workers are checked for tuberculosis (TB) and other infectious diseases including sexual diseases. These tests are carried out by private diagnostic centers and certified by professional doctors from the hospital. Work permits are issued only for a year, after which, the entire process for the work permits are repeated.

¹ The handbook is a compilation of all the procedures laid down in the Labour Act with respect to wages, recruitment agencies, workers compensation and other directives received from the Government.

19. HISCs were initiated by the Ministry of Health in 2005 to ensure that the general public and high risk groups are sensitized and made aware of STI/HIV/AIDS. HISC play a big role in creating awareness at construction sites, schools, institutes and industries. They also provide access to HIV testing, antiretroviral therapy and all their services are linked to care, support and treatment programs.

20. However, till date there have been no visits to the project sites from any of the above mentioned Government offices. According to the Regional Labour Office in Phuentsholing, they are understaffed with only three labour officers and two employment officers. In addition the office in Phuentsholing is responsible for monitoring and assessing all business and service activities in Chukha and Samtse.

Awareness program

21. Every year, increased infrastructure development in Bhutan means an increased influx of unaccompanied foreign male workers. A large majority of these workers are highly mobile, have low levels of knowledge on HIV/STD, and run the risk of having unprotected sex with multiple partners. With the aim to control and mitigate the spread of diseases in and outside Bhutan, the ADB promotes HIV/AIDS prevention and Human Trafficking programs especially in ADB supported construction projects.

22. A team from the Health and Information Service Center (HISC) in Phuentsholing carried out the awareness program at the two project sites. The main objectives of these awareness programs are to reduce the risk of HIV transmission among the construction workers and the local communities and to promote early screening and treatment.

23. This is the first awareness program conducted since the retendering of the construction works to the three contractors. The awareness could not be conducted in April 2018 due to bad weather conditions and also due to the unavailability of a medical team. Awareness was conducted only at the sites of Package I and Package II since works at Package III have been stopped due to weather conditions and there are no workers on site.

24. The first awareness program was carried out at the construction site of the multi-cellular box culvert and gabion structures (Package II) on the 25th of July 2018. There were a total of 49 participants which included labourers, drivers, and site engineers. Since it was a pleasant day (no rain or sun) the program was conducted outside the office mess (see picture below). The program was given in Hindi and Nepali, the languages understood by the workers.



25. The awareness for the Project Site of the CDCL (Package I) was conducted on the 27/07/2018 and there were 32 participants. The program was conducted in the dining hall which is large enough to accommodate all the workers. At this project site, all the workers are Bhutanese with varied levels of education background. The program was conducted in Dzongkha (the national language), and English was used when technical terms were not comprehensible in Dzongkha. Bhutanese workers do not go through the similar stringent process of acquiring a work permit as foreign workers but they run the same risks.





26. Both the programs lasted an hour and were conducted by Mr. Tashi from HISC, Phuentsholing. The participants were informed and educated on the various sexual diseases, the risks associated with multiple partners, male to male sex and also preventive and precautionary measures. Although the foreign workers are already tested for HIV/AIDS, Mr. Tashi has told them that testing for any sexual diseases is freely conducted at the HISC located in the center of Phuentsholing town. The office is open 6 days a week, except for Sundays. Condoms were distributed to both the construction sites.