

Social Assessment and Social Management Plan

Enhancing Labor Mobility from Papua New Guinea Project (P174594)

EXECUTIVE SUMMARY

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For the

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DRAFT

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Acronyms

AE	Approved Employer (Australia)
A&NZ	Australia and New Zealand
ATR	Agreement to Recruit (New Zealand)
DESE	Department of Education, Skills and Employment (Australia)
DFAT	Department of Foreign Affairs and Trade (Australia)
DLIR	Department of Labour and Industrial Relations
DOT	Department of Treasury (PNG)
DSIP	District Service Improvement Programme (PNG)
ERA	Employment Relations Authority (New Zealand)
ESCOPE	Environmental and Social Code of Practice
ESF	Environmental and Social Framework
ESS	Environmental and Social Standards
FGD	Focus Group Discussion
FWO	Fair Work Ombudsman (Australia)
GBV	Gender-based violence
GESI	Gender Equity and Social Inclusion
GoA	Government of Australia
GoNZ	Government of New Zealand
GoPNG	Government of PNG
GRM	Grievance Redress Mechanism
ILO	International Labour Organization
INZ	Immigration New Zealand
LMP	Labour Management Procedures
LMU	Labour Mobility Unit, PNG
LSU	Labour Sending Unit (Most Pacific Island countries)
MBIE	Ministry of Business, Innovation and Employment (New Zealand)
MFI	Micro-finance Institution
NPS	National Public Service (PNG)
NZ	New Zealand
OHS	Occupational Health and Safety
PDO	Project Development Objective
PLF	Pacific Labour Facility
PLS	Pacific Labour Scheme (Australia)
PMU	Project Management Unit
PNG	Papua New Guinea
POM	Port Moresby
PSIP	Provincial Service Improvement Programme (PNG)
RRH	Regional Recruitment Hub (PNG)
RSES	Recognised Seasonal Employer Scheme (New Zealand)
SA	Social Assessment
SASMP	Social Assessment and Social Management Plan
SEA/SH	Sexual Exploitation and Abuse and Sexual Harassment
SEP	Stakeholder Engagement Plan
SMMP	Social Management and Monitoring Plan
SWP	Seasonal Worker Programme (Australia)
TA	Technical Assistance

0 Executive Summary

0.1 Introduction

0.1.1 Context

As other Pacific Island countries, Papua New Guinea (PNG) has access to three main labour mobility schemes in Australia and New Zealand (NZ), together with other Pacific island countries. These include New Zealand’s Recognised Seasonal Employer Scheme (RSES) and Australia’s Seasonal Worker Programme (SWP) and Pacific Labour Scheme (PLS). Despite having access to the seasonal schemes for nearly a decade, PNG seasonal/migrant worker participation has been extremely low.

In 2019, the Government of PNG (GoPNG) embarked on a series of institutional and policy reforms to increase the number of temporary and seasonal overseas workers (hereafter PNG’s Labour Mobility Programme). Responsibility for labour mobility was moved from the Department of Labour and Industrial Relations (DLIR) to the Department of Treasury (DOT), which established the Papua New Guinea Labour Mobility Unit (LMU). The LMU has established policies and frameworks to optimize the labour sending process. A decentralised regional recruitment model has been adopted whereby regional administrations lead the selection and recruitment process from their respective areas in close cooperation with the LMU.

The GoPNG’s Draft National Labour Mobility Policy 2021 outlines a vision of “providing opportunities for decent, temporary work overseas for at least 8,000 youth and citizens, both women and men, per year by 2025 to grow PNG’s economy both through remittances and through skills and knowledge transfer to build sustainable industry at home”.

0.1.2 Project Description

The GoPNG has requested World Bank financing for the Enhancing Labor Mobility from PNG Project (hereafter ‘the Project’) to support current efforts to expand PNG’s participation in international labour mobility schemes. The Project Development Objective is to strengthen government systems in Papua New Guinea that support workers and their households to benefit from overseas employment opportunities, with a focus on women and disadvantaged groups.

The primary **Project beneficiaries** are current and prospective seasonal/migrant workers and their families from across PNG. The Project will not place PNG seasonal/migrant workers overseas. Rather, the Project will support the design and operation of the PNG labour mobility initiatives across the labour mobility cycle including worker selection, recruitment and mobilisation; support whilst undertaking overseas employment; and return/reintegration. All project activities will be implemented in PNG through the LMU.

The Project will be implemented by the Department of Treasury (DOT) in PNG, through its Labour Mobility Unit (LMU) which is responsible for coordinating PNG’s Labour Mobility Program.

The Project will consist of four (4) components:

- **Component 1. Strengthen systems and worker readiness to enhance benefits from overseas employment opportunities** including technical assistance and resources to: i) improve systems that support efficient selection, recruitment and mobilization; ii) provide worker readiness training for aspiring migrants; iii) facilitate linkages between Australian and New Zealand employers and the LMU/RRHs; iv) provide enhanced support for workers overseas.

- **Component 2. Enhance equity in access to labour mobility opportunities for PNG seasonal/migrant workers** including i) technical assistance to expand participation among disadvantaged groups through outreach and preparatory assistance; ii) support for financial literacy and inclusion; iii) technical assistance on loan product design (phase 1); and iv) financing for loans to cover documentation costs
- **Component 3: Boosting household impacts from labour mobility programs** including activities to assist returning workers reintegrate including income-generating opportunities, social reintegration, as well as welfare services.
- **Component 4. Project management and results monitoring** including the establishment of a Project Management Unit (PMU) within the LMU to support implementation. This unit would house relevant advisors recruited under the project, with advisors working closely with LMU staff and regional recruitment hubs in order to build capacity and fully develop the labour sending systems envisaged by the GoPNG. This activity would also support regular project monitoring and evaluation, which would employ quantitative and qualitative methods.

0.1.3 Social Assessment and Social Management Plan

This Social Assessment/Social Management Plan (SA/SMP) has been prepared by the LMU to examine the social risks and potential impacts associated with the Project; and present a plan with measures for eliminating, reducing, managing and monitoring these impacts during the implementation of the Project.

The SA/SMP includes a benchmarking analysis of the World Bank’s Environmental and Social Standard 2 - Labour and Working Conditions, against Australian and New Zealand (A&NZ) labour laws as well as programme governance arrangements and the functioning of the PLS, SWP and RSES. This work has been used to inform the assessment of risks and potential adverse impacts for PNG seasonal/migrant workers while participating in the A&NZ programs. As the Project has no direct relationship with these programs or A&NZ governments, the SA/SMP present measures within the Project’s control, to be implemented in PNG, to further mitigate these risks.

The social assessment was conducted alongside the project design process and is being used to inform project design and mitigation measures. The SA/SMP has included consultations with key government agencies and NGOs in PNG, and Australia and New Zealand, and prospective workers in PNG. It has also included a review of key secondary resources including PNG Labour Mobility Programme and A&NZ programme documents; as well as other relevant documents including programme reviews, academic publications, media reports, studies by trade unions and other organisations.

0.2 Legal Requirements

The Project will be implemented in accordance with the World Bank’s Environmental and Social Framework (ESF) and relevant PNG laws.

0.2.1 World Bank Environmental and Social Framework

The World Bank Environmental and Social Framework (ESF) outlines 10 Environmental and Social Standards (ESS) for the management of environmental and social risk. The ESSs’ that are relevant to the Project include: ESS1 Assessment and Management of Environmental and Social Risks and Impacts; ESS2 Labour and Working Conditions; ESS4 Community Health and Safety; ESS7 Indigenous Peoples; ESS9 Financial Intermediaries; and ESS10 Stakeholder Engagement and Information Disclosure.

ESS2 - Labour and Working Conditions applies to *Project workers* – i.e. those workers employed to implement project-financed activities. While ESS2 is not directly relevant to the *Project beneficiaries* of this operation, who are not considered project workers, it has been used for the purpose of this assessment as the basis for assessing the risks program beneficiaries may face as A&NZ program participants.

0.2.2 GoPNG Legal Framework

The *Constitution of the Independent State of Papua New Guinea 1975*, guarantees equality of citizens; freedom of movement; freedom of employment; freedom of assembly and association; and freedom from inhuman treatment and forced labour.

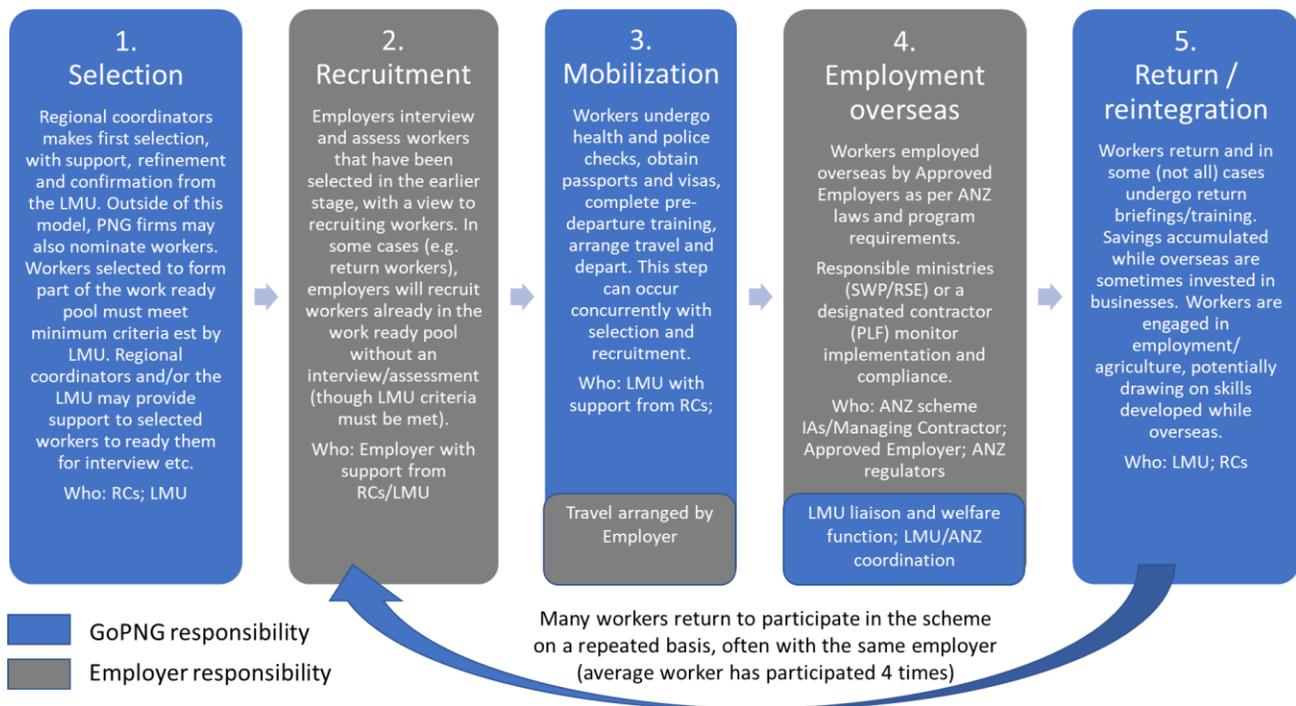
The GoPNG is in the process of establishing laws and a policy to guide labour mobility arrangements in PNG. A *Bill for an Act entitled Office of Labour Mobility Act 2020* has been drafted, however, is yet to be put before parliament. The proposed Act will be developed to establish the Office of Labour Mobility and to secure, coordinate and increase opportunities for Papua New Guinean citizens to live and work overseas through temporary labour mobility programmes, and for related purposes to strengthen Papua New Guinea's economic growth and social development.

0.3 Review of PNG and A&NZ Labour Mobility Programmes

0.3.1 PNG Labour Mobility Programme

The LMU has been tasked with leading PNG's arrangements for managing the participation of PNG seasonal/migrant workers in overseas labour mobility programmes. PNG operates a regional recruitment model whereby regional administrations, through Regional Recruitment Hubs (RRHs), are primarily responsible for the preliminary selection of workers from their respective areas. The LMU works in close cooperation with regional administrations throughout the labour mobility cycle, confirming selection of workers to work-ready pools from which employers select workers for interview. The LMU manages overall worker mobilisation with support from RRHs. This process is shown in figure 1.

Stylized model of steps involved in labor mobility programs



The LMU has established policies and frameworks for guiding the expansion of labour mobility from PNG. The Draft National Labour Mobility Policy 2021 outlines specific goals to: i) identify and facilitate decent work opportunities; ii) develop a cohort of work-ready citizens; iii) promote the equal participation; iv) ensure economic and development benefits of labour mobility are maximized; v) involve all stakeholders in good governance of labour mobility and the protection of workers overseas; vi) adopt a whole-of-government approach to the management of labour mobility; and vii) work across government to ensure experience overseas contributes to the development of domestic industry. The LMU Operations Policy 2020 outlines four overarching principles including: *Equity (and inclusion)*; *Transparency*; *Worker’s rights and care*; and *Privacy and data management*.

0.3.2 Host Country Laws, Programmatic Frameworks and ESS2 Benchmarking

Temporary migrant/seasonal workers are offered the same protections as citizens under Australian and New Zealand laws. The three A&NZ programs outline additional measures to ensure that specific risks faced by temporary migrant/seasonal workers are avoided, mitigated and/or managed effectively. These laws and programmatic arrangements have been benchmarked against the requirements of ESS2 (refer to Section 4.3, Table 4.2). No significant disparities have been identified. An assessment of risks, programme implementation challenges and measures taken to address these is provided in Section 6.

0.3.2.1 AUSTRALIA

Legal & Regulatory Framework

Australia has a comprehensive legal and regulatory framework governing employment, workplace health and safety and workplace discrimination. Key employment laws include *The Fair Work Act 2009*, *Fair Work Regulations 2009* and the *National Employment Standards (NES)*. The Fair Work Commission (FWC) and the Fair Work Ombudsman (FWO) are responsible for their implementation. The *Work Health and Safety Act 2011* sets out requirements and standards for workplace health and safety (WHS). States and Territories are responsible for

regulating and enforcing WHS laws. Safe Work Australia is responsible for improving workplace health and safety and compensation arrangements across Australia. The *Workplace Gender Equality Act 2012* outlines requirements for improving equality for both women and men in the workplace. The Workplace Gender Equality Agency leads the implementation of this Act. The *Sex Discrimination Act 1984* promotes equality between women and men and protects people from unfair treatment. The *Disability Discrimination Act 1992* makes it unlawful to discriminate against a person because of their disability. The Australian Human Rights Commission implements these Acts.

Pacific Labour Scheme and Seasonal Worker Programme

The Seasonal Worker Programme was formalized in 2012 and followed a pilot scheme, which commenced in 2008. A MOU between the GoPNG and GoA giving PNG seasonal/migrant workers access to this programme was signed in 2011. Workers can be employed in Australia for up to nine months per year in the agriculture, accommodation and tourism sectors. The SWP is managed by the Department of Education, Skills and Employment (DESE) although other government agencies are also involved in its administration. The key policy document for the SWP is the Seasonal Worker Programme Implementation Arrangements.

The Pacific Labour Scheme was launched in July 2018 following a pilot involving workers from Kiribati, Tuvalu and Nauru which commenced in 2015. A MOU between the GoPNG and the Government of Australia (GoA) giving PNG seasonal/migrant workers access to this scheme was signed in 2019. Under the PLS, workers can take up low- and semi-skilled jobs in rural and regional Australia for a minimum of 12 months and up to three years. The scheme is open to all sectors and industries but initially focuses on the accommodation, food services industry, health care and social assistance industry, and non-seasonal agriculture, forestry and fishing. The PLS is managed by the Department of Foreign Affairs and Trade (DFAT) through the Pacific Labour Facility (PLF), which in turn is operated by the consulting firm Palladium. Implementing and governance arrangements for the scheme are outlined in the PLS Policy Handbook. The Pacific Labour Facility is responsible for authorizing employers under the PLS and monitoring the welfare of PLS (and SWP) workers.

Both the PLS and SWP implement an approved employer approach. Requirements for Approved Employers are outlined in the Approved Employer Guidelines and Deed of Agreement for each programme. Terms and conditions for workers are outlined in the 'Approved Offer of Employment' for each programme.

Both the PLS and SWP implement compliance and assurance frameworks. Compliance monitoring includes self-auditing/reporting, notice to report and site visits. Non-compliance systems include education; breach notice; corrective action; suspension; and termination of deeds. Both the PLS and SWP have incident reporting procedures including classification, notification, investigation, and corrective action. Formal grievance mechanisms are provided through the PLF Worker Welfare Team and Fair Work Ombudsman. The DFAT/PLF and DSES coordinate with relevant regulators when significant issues arise.

In September 2021 the Australian Government launched the Pacific Australia Labour Mobility ([PALM](#)) scheme which is a streamlined approach to the implementation of PLS and SWP. As PALM is implemented, it is expected to better align systems and processes for PLS and SWP.

0.3.2.2 NEW ZEALAND

Legal Framework

New Zealand also has a comprehensive regulatory framework governing employment, workplace health and safety and workplace discrimination. The *Employment Relations Act 2000* governs the relationships between employees, employers and unions. Other key legislation includes the *Minimum Wage Act 1983*, *Wages Protection Act 1983*, *Equal Pay Act 1973*, *Holidays Act 2003*, and *Parental Leave and Employment Protection Act 1987*. New

Zealand’s Labour Inspectorate works to ensure minimum employment standards are complied with. The Employment Relations Authority (ERA), an independent body, helps to resolve employment relationship problems. The Employment Court has jurisdiction to hear and determine challenges against ERA determinations, questions of interpretation of law, and injunctions in respect of strikes and lockouts. The *Health and Safety at Work Act 2015* provides that everyone in the workplace is responsible for health and safety. WorkSafe is New Zealand’s government agency responsible for implementing the Act. New Zealand’s Bill of Rights grants everyone the right to freedom of association. The *Human Rights Act 1993* prohibits discrimination in employment based on various grounds, such as sex, race or age. The Human Rights Commission helps to resolve complaints of unlawful discrimination, and the Human Rights Review Tribunal hears claims relating to breaches of the *Human Rights Act 1993* brought by employees against their employer.

Recognised Seasonal Employer Scheme

The RSES was launched in 2007 to fill seasonal labour shortages in New Zealand’s horticulture and viticulture industries. The GoPNG and the Government of New Zealand (GoNZ) signed an Inter-agency Understanding in 2013 allowing PNG seasonal/migrant workers access to this scheme. The RSES allows most seasonal workers to stay in New Zealand for up to seven months in any 11 months. The current annual cap is 14,400 workers. The scheme is operated by the Ministry of Business, Innovation and Employment (MBIE). The RSES’s arrangements are outlined in Immigration New Zealand’s (INZ) Operational Manual: WH1 Recognised Seasonal Employer (RSE) Instructions (INZ, 2020).

Like the PLS and SWP, the RSES implements an approved employer model. This process is outlined in INZ’s Guide to Becoming a Recognised Seasonal Employer and Application Form. INZ is responsible for authorising New Zealand employers to recruit workers under the RSES by providing them with an Agreement to Recruit (ATR). The NZ Labour Inspectorate works to ensure minimum employment standards are complied with including those of workers under the RSES. NZ Labour Inspectorate’s Assurance Framework is used for RSES and includes education, audits/investigations and enforcement. The NZ Labour Inspectorate’s and Worksafe NZ incident reporting framework is utilised. MBIE has Relationship Managers that work to support workers and employers and also operates a general and migrant worker grievance mechanism.

0.4 Social Assessment Findings

0.4.1 Expected Project Benefits

The Project is expected to contribute to improved governance of PNG’s Labour Mobility Programme and the GoPNG’s vision to expand labour mobility overseas and capture benefits for PNG seasonal/migrant workers and their families and communities; and the PNG economy at large.

The Project, through its support in strengthening PNG’s labour mobility programme, is expected to contribute to:

- A significant scale-up of PNG seasonal/migrant worker participation in overseas labour mobility programmes, particularly amongst prospective workers in rural and regional areas, and for youth and women.
- Increased remittances from migrant workers, lower costs for remittance transfers, and the promotion of more productive use of remittance income by remittance-receiving households.
- Increased skills in the domestic labour force through direct worker readiness training and indirectly through skills gained whilst on assignment

The success of the GoPNG's scale-up of its labour mobility programme, and the ability of the GoPNG to meet its vision and objectives will rely on the ability of the LMU and RRHs to identify, assess and manage social risks and potential adverse impacts associated with the programme. The Project is expected to make a significant contribution in this area, through the provision of technical assistance and financing activities that strengthen the design and operation of PNG's Labour Mobility Programme.

0.4.2 Risks and Potential Adverse Impacts in PNG

0.4.2.1 INEQUITABLE ACCESS AND POTENTIAL CONFLICT

Equity in selection and mobilisation of workers

There is a risk of real or perceived inequitable access to labour mobility opportunities. Key issues include: i) inequity between and within regions; ii) inequity within communities (disadvantaged groups); and iii) wantokism¹, conflict of interest and corruption relating to the promotion of access to overseas work opportunities. The LMU is committed to the principles of equity, transparency and workers' rights and care within PNG processes. A&NZ employers make the final decision on which workers are recruited.

The Project will provide TA to the LMU to address real or perceived inequity by supporting the development of additional RRHs across PNG; assisting the development and implementation of open and transparent geographic selection processes and supporting community outreach activities within regions, to support inclusion of disadvantaged areas and groups (see below).

Equitable Access to Project Activities

The Project will finance several activities, such as pilot programmes in the areas of upskilling, community outreach and reintegration; training programmes in financial literacy and the pre-departure loan facility. Depending on the activity, target beneficiaries will include prospective, selected and recruited workers and their families or broader communities. The risk of real or perceived inequitable access to these activities will be managed through activity design. The Project's Stakeholder Engagement Plan (SEP) will also serve as a risk mitigation tool, by ensuring that target beneficiaries are consulted and provided with relevant information, have the means to provide feedback; and have access to the project's Grievance Redress Mechanism (GRM) where concerns or grievances can be raised and addressed.

Conflict and community unrest

Perceived or real inequitable access has the potential to lead to or exacerbate existing conflict within or between communities, and amongst selected workers and their families. This risk is likely to increase with the scale-up of the PNG Labour Mobility Programme. The LMU is seeking to mitigate the risk of conflict through development and implementation of consistent policies, processes and systems. The LMU Operational Policy requires the LMU to ensure transparency in selection and recruitment processes and to publicly report on the implementation of the PNG Labour Mobility Programme.

The Project will support the operationalisation of this policy through enhancement of LMU's existing social accountability mechanisms and development and implementation of these mechanisms at the district/provincial

¹ In Tok Pisin, wantok means "One Talk" referring to the language of the tribe or clan to which a person belongs. The Wantok System which is based on social kinship, welfare and a reciprocal relationship of favours between kin and community members ("wantoks") has developed from PNG's traditional tribal-based society.

level. The Project will also seek to support more direct identification and management of the risk of conflict associated with the programme.

0.4.2.2 IMPACTS ON WORKERS, THEIR FAMILY AND COMMUNITIES AND ESTABLISHMENT OF COMMUNICATION HUBS

The long absence of migrant workers has the potential to negatively impact the cohesion of the family unit including adverse impacts on marital relationships, children development, and care for elderly family members. Reverse culture shock issues may also arise when workers return to families where former roles have changed to adjust to this absence. Long absences can also impact the wider community including loss of able-bodied young men and women for community work, though high levels of unemployment in many sending communities may minimise such impacts. Another key issue is the potential for unrealistic or misaligned expectations that workers, families and communities have about the benefits of overseas employment. There are reports of unreasonable demands by extended family members on the immediate family of workers even while they are overseas.

The GoPNG intends to address these potential impacts through ensuring that economic and development benefits of labour mobility are maximized for workers as well as their family and communities, and by ensuring that community expectations are managed through extensive consultations by RRHs and through pre-departure training which includes both workers and sending households.

The Project will provide TA to the LMU to address the impacts on families of workers including improved pre-departure training that include families to better prepare both workers and their families for the absence of workers. Adverse impacts will be mitigated by improving communication – including establishment of communication hubs; and strengthening of worker (and family) welfare liaison functions through the LMU and RRHs. Environmental and social risks may arise from the establishment of ‘communication hubs’ to provide prospective workers with computer and internet access pre-departure. These hubs will be established in existing buildings and involve refurbishment only. Key potential impacts include community and worker health and safety impacts, COVID-19 transmission waste and hazardous materials management. Impacts are expected to be low in magnitude and easily mitigated via standard accepted mitigation measures and with the implementation of a project Environmental and Social Code of Practice (ESCAP).

Under Component 3, aimed at boosting household impacts from labour mobility programs, several activities will support the sending of remittances and financial literacy to improve the expenditure of remittances generated through participation. This is expected to offset negative impacts associated with labour mobility as a result of a family member’s absence. The Project will also finance reintegration support services to ensure workers and sending households maximise the benefit from their participation in labour mobility schemes.

0.4.2.3 MIGRATION COSTS AND EQUITABLE ACCESS TO FINANCE

Prospective migrant workers from PNG are required to meet mobilization costs (ranging from – 3,370 to 3,880 Kina)² prior to leaving the country and participating in the PLS, SWP or RSES. Some workers are provided grants to cover these costs through Provincial Service Improvement Programme (PSIP) or District Service Improvement Programme (DSIP) funds. Others are required to self-finance and typically do not have access to formal finance mechanisms, and instead borrow from extended family networks, typically at high financial and non-financial cost.

The Project will establish a loan facility to cover pre-departure costs and address current inequities in access to finance. These loans will be administered through local financial intermediaries and will be available to all prospective workers and their families. They will be entirely voluntary; cover pre-departure costs as well as

² Equivalent to USD 570 to 1,995 according to the exchange rate on 25 July 2021.

migration costs; be provided at the lower end of the commercial range for interest rates; and have additional features aimed at easing the financial burden on participating workers and maximizing repayment rates, such as grace periods and interest rate rebates. No collateral would be required for such loans, although an employment contract would be a criterion for loan approval. Measures will be put in place to protect workers from unwillful default. In addition to complying with PNG’s finance laws, FIs will be required to administer loans in accordance with WB ESS9 – Financial Intermediaries including the development and implementation of an environmental and social management system to manage risks during implementation.

0.4.2.4 DISADVANTAGED AND VULNERABLE GROUPS

Disadvantaged and vulnerable groups include women migrant workers, female partners of migrant workers, women-headed households in communities where recruitment occurs, individuals with low levels of education including school dropouts and illiterate people in communities where recruitment occurs, remote communities, economic migrants living outside their traditional communities, unemployed youth, and people with disabilities in communities where recruitment occurs.

The GoPNG is responsible for worker selection and formation of a work-ready pool; however the recruitment of workers is ultimately undertaken by employers who require workers who are both ready and able to perform the required tasks, and live and work effectively in the A&NZ working environments. The less ready and able a worker is, the more vulnerable they are to labour and welfare risks and potential impacts in Australia and New Zealand (refer below).

A key challenge for the GoPNG is to strike a balance between inclusion and meeting worker readiness requirements. The Draft PNG Labour Mobility Policy places a focus on workers from rural communities. Youth and women also feature prominently in the policy. The LMU, through the Operation Policy, has committed to equity in selection, recruitment and mobilisation of workers; and is seeking to address barriers including access to labour mobility services (which are typically limited to areas near provincial/district centres); literacy and English proficiency constraints; and cultural norms impacting women’s involvement (see below). The LMU has also committed, to the extent possible, to include people with disabilities in employment opportunities. At the same time, the LMU is developing rigorous selection processes/criteria to ensure worker-readiness and employability.

The Project will provide TA to expand participation from disadvantaged groups through improved outreach and targeted preparatory assistance. General support for training of prospective migrant workers will also explicitly address needs of disadvantaged and vulnerable groups through soft skills and worker readiness. The Project’s support to reduce pre-departure costs by bringing necessary pre-departure processing services and/or training to workers and to make available pre-departure loans will reduce up-front migration costs thereby reducing barriers for participation in the schemes. Project support for strengthened LMU and RRH liaison functions, stakeholder engagement activities and grievance redress mechanisms will also ensure the needs to disadvantaged and vulnerable groups are met.

0.4.2.5 GENDER DIMENSIONS AND GENDER-BASED VIOLENCE

Gender equality

Women experience numerous barriers to participating in overseas labour mobility opportunities, including cultural norms; disproportionately lower wage employment experience, education and literacy levels, and access to finance and financial literacy levels; gender-sensitive concerns, and pervasive gender biases in both employer preferences and sending country screening and selection processes. The GoPNG is taking steps towards addressing gender inequality in labour mobility. Under the Draft National Labour Mobility Policy, the LMU is

committed to increasing the participation of women in overseas employment to 35% of all workers by 2025 as well as increasing spouse/family involvement throughout the labour mobility cycle.

The Project will provide TA to improve gender equity of the PNG Labour Mobility Programme including supporting female representation in leadership roles in the LMU and RRHs; strengthened community outreach and preparatory assistance to improve women’s access to and/or involvement as spouses in overseas labour mobility opportunities; providing accessible financing options for covering pre-departure costs; and supporting gender-inclusive financial literacy training.

Gender-based violence (GBV)

Violence against women, girls and boys is a common occurrence in PNG, with 63% of ever-married women aged 15-49 having experienced some form of intimate-partner violence in their lifetime (NSO and ICF 2019). There is no data available on the prevalence and nature of gender-based violence among Papua New Guinean households where a household member is participating in a labour mobility scheme. Across the Pacific there is anecdotal evidence of instances of violence against women while their partners are abroad, or by their partners upon their return from migrant work. However research to-date has established no causal link between GBV and the labour mobility programs.

The PNG Labour Mobility Program (as distinct from the Project) does not currently address the risk of GBV. The Project will provide TA to better understand and mitigate GBV risks and potential impacts for women whilst their partners are overseas. The Project will also support development of GBV awareness raising modules for workers and their families and communities in outreach and worker readiness and pre-departure; strengthening the LMU and RRHs worker and family welfare and liaison functions – including identifying local GBV referral and support services; support to strengthen reintegration including social integration programs for workers and their families; and GBV incident monitoring and research to better understand the potential impacts of labour mobility programs. GBV risks associated with the implementation of the Project, and specifically the risk of sexual exploitation and sexual abuse from Project Workers is included in the Project’s Labour Management Procedures for Project Workers.

0.4.2.6 COVID-19 TRANSMISSION

There is a risk of COVID-19 transmission during services supported by the Project and the PNG Labour Mobility Programme. This risk affects migrant workers and their families and communities as well as Project workers. The LMU and the RRHs have introduced measures to prevent or minimize exposure as per GoPNG requirements (refer to the National Control Centre for COVID-19).

The Project has developed a COVID-19 Safety Protocol following PNG national guidelines, and good international industry practice including WHO and World Bank guidelines. The Protocol outlines principles and approaches to mitigate the risk of COVID-19 during the conduct of face-to-face consultation and engagement activities during project implementation.

0.4.3 Risks and Potential Adverse Impacts: Host Countries

Despite comprehensive regulatory frameworks in Australia and New Zealand, there have been well-documented issues of migrant worker exploitation in both countries. These issues, examined through several government enquiries and reviews, exist across all sectors. However, they have been found to be most pronounced in the horticultural sector, particularly amongst foreign workers employed outside of the SWP and RSES such as amongst essential skills workers, working holiday makers, international students/post study workers and undocumented migrant workers.

Pacific workers coming to Australia and New Zealand under the SWP and RSES are subject to additional protections and governance, compliance and assurance arrangements (refer to Section 0.3). The next sections examine the labour, working condition and welfare risks to temporary migrants and seasonal workers employed under the PLS, SWP and RSES; effectiveness of A&NZ regulations and programmatic risk mitigation measures in A&NZ; and additional measures that the GoPNG, with the support of the Project, can implement to further mitigate and manage these risks for PNG seasonal/migrant workers

0.4.3.1 COMPLIANCE AND ASSURANCE

The SWP, PLS and RSES all operate using an approved employer (AE) process. The AE process acts as a programme level compliance and assurance mechanism - with each scheme retaining the discretion to terminate agreements with individual employers. The approval process and reporting and monitoring of AEs under each scheme coupled with statutory and programmatic grievance mechanisms for workers to raise issues, minimizes the likelihood of employers being granted access who have a track record of breaching workers' contracts. When AEs (in Australia) or RSEs (in NZ) fail to comply with A&NZ regulations or additional programmatic requirements, they risk being removed from the AE/RSE list and no longer able to employ seasonal workers in subsequent seasons.

The compliance and assurance frameworks for the PLS and SWP have been strengthened in recent years with more resources being provided to enable site-based monitoring. Pacific Labour Mobility Officers will be based in states and territories to undertake additional welfare, monitoring, and compliance checks. In July 2020, the New Zealand Government announced a \$NZ50 million investment over four years to reduce the risk of temporary migrant worker exploitation in New Zealand, remove barriers to reporting exploitation, improve response systems for helping migrant workers, establish a new visa to support migrants to leave exploitative work situations and set up a free-phone number to receive and handle complaints.

0.4.3.2 TERMS AND CONDITIONS OF EMPLOYMENT

Employment choice, Restrictions on Movement and Power Imbalances

The SWP, PLS and RSES have been designed and are required to operate in accordance with Australian and NZ laws and international obligations concerning forced labour, modern slavery and human trafficking. Entry into the SWP & PLS and RSES is only open to workers above 21 and 18 respectively and is voluntary. Employees are free to accept or reject employment offers for each programme. Each programme has put in place mechanisms to ensure that workers are properly informed about the nature and conditions of these respective programmes. These are largely implemented by sending country governments in coordination with the respective programmes.

The SWP, PLS and RSES all allow workers to terminate their employment at any time, however because workers and their visas are typically linked to a specific employer and restrict movement to different employers, this has generally meant that workers then have to return home. This increases the risk of worker exploitation due to fears that actions against their employers will lead to the cancellation of their visa or in the case of SWP and RSE workers, impact their ability to return in future seasons. All three programmes have sought to address this issue by ensuring that in cases where employers have acted illegally or contrary to workplace legislation, relocation of workers to new employers will be facilitated. In addition, due to the COVID-19 situation, restrictions on worker movement between employers has been eased since mid-2020, and it is possible these changes will be maintained long-term. In terms of international mobilization costs, according to the LMU, employers bare the risk of these costs not being repaid by employees who leave or are terminated from their employment.

The Project will support the LMU to strengthen informed choice in recruitment and mobilisation arrangements and during worker readiness and pre-departure training activities; and provide enhanced support to workers

through the LMU liaison function – ensuring that workers are better informed, supported and empowered to engage with employers and respective A&NZ agencies.

Pay and Deductions

SWP and PLS workers receive the same pay as Australian workers as outlined in industry-specific awards or registered employment agreements. Likewise, RSE workers are entitled to the same minimum rights as permanent employees under NZ law. The regularity of pay under the three schemes is stipulated in the employment agreements and is usually set weekly or fortnightly. Few concerns regarding the regularity of pay have been reported. The risk of underpayment including lack of worker understanding/complexity of piece rate payments, overtime and holiday pay are key issues which A&NZ regulators and A&NZ programme compliance teams actively monitor. During consultations, the Australian FWO reported that the majority of payment related complaints received and investigated regarding AEs involved technical issues such as workers not receiving their pay slips. Similarly, the NZ Labour Inspectorate reported that few payment issues arise with RSEs; and those that do typically involve issues with implementing complex requirements of the NZ Holiday Act.

Employers under the three schemes make several deductions from workers' pay including for migration-related expenses which are covered by employers upfront. Under the SWP and RSES arrangements, employers are permitted to take 'reasonable instalments' as per written agreement. There have been reports of unlawful and/or excessive deductions under both programs – particularly for transport to and from work and for accommodation. According to the NZ Labour Inspectorate, the RSE Policy does not provide clear guidelines as to what constitute acceptable wage deductions other than stipulating that deductions have to be reasonable and necessary. Efforts are underway to tighten guidelines and increase employer compliance under the schemes in Australia and New Zealand. Despite pay deductions being covered under the pre-departure training for departing workers (including for PNG), some SWP, RSE and PLS workers fail to fully comprehend the pay deduction that they can reasonably expect.

The Project will further mitigate the risks concerning payment and deductions by providing TA to strengthen worker readiness and pre-departure training as well as communication and information dissemination tools to increase awareness and understanding about the rights and obligations of employers and employees concerning pay and deductions, the information and tools available through respective A&NZ programs and the agencies and the processes in place to resolve pay related issues.

Working hours and leave

Working hours and leave entitlements of seasonal/temporary workers are regulated by national legislation. The main issues of concern regarding working hours are excessive working hours especially during harvest time and some employers failing to pay overtime.

PLS workers are employed on fixed-term contracts and have paid leave entitlements. SWP workers are defined as casual workers and are not entitled to paid leave and instead receive casual loading in their pay. Most RSE workers (on contracts up to 7 months) receive few or none of NZ's entitlements for leave which kick in after 6 months of continuous employment.

The Project will assist the LMU in educating workers about their entitlements so that they are fully aware of these. Workers on casual contracts without leave entitlement will be encouraged to set aside some of their earnings should the need arise to take days off.

Unionization

SWP, PLS and RSE workers have the right to join a union. All programmes actively involve unions in programme implementation. Despite this union membership amongst these workers is low. Reported issues include reluctance of workers to pay union membership as well as discouragement/pressure from some employers for workers not to join.

The Project will support the LMU to raise greater awareness of the potential benefits of union membership through developing specific training modules on union membership for the pre-departure training; and to facilitate information exchanges with relevant unions. This will enable prospective workers to make informed decisions about whether or not to join a union.

Medical Cover

Like other migrant workers, SWP, PLS and RSE workers do not have access to Australian or NZ free public health programs and are required to take out adequate personal health insurance. Under the SWP and RSES, employers are responsible for organising and ensuring workers have this cover. While SWP and RSE workers are provided with information about insurance requirements, they typically have limited information about options (i.e. terms and coverage) before employers facilitate the purchase of their private health insurance. Similarly, there is only limited information for PLS workers to navigate the complexities of choosing the most appropriate cover.

The Project will support workers' access information on different private health insurance policies in order to be better informed and take informed decisions about the cover that might be most appropriate for them. The Project will also support an annual review of available insurance policies – drawing on policy info and experiences of workers; and provide this information to workers.

Superannuation

Australia has a compulsory superannuation scheme under which 9.5% of gross earnings are paid by employers directly into a superannuation fund. This constitutes a mandatory savings scheme with potential positive impacts for workers and their families. The main issue around superannuation concerns the difficult process of SWP and PLS workers claiming their superannuation savings after leaving Australia. Temporary migrants including RSE workers are not eligible to enrol in KiwiSaver, NZ's superannuation scheme, and RSEs are not required to pay superannuation co-contributions for their workers under the RSES.

The Project will support the LMU to assist SWP and PLS workers with claiming their superannuation savings after returning to PNG.

0.4.3.3 OCCUPATIONAL HEALTH AND SAFETY

Occupational, health and safety risks exist in all workplaces and across all sectors. Australian and New Zealand Occupational Health and Safety legal and regulatory frameworks are strong, and seasonal and temporary migrants are protected under these laws. Workers in all industries receive relevant on the job training and PPE, as required by law in A&NZ.

OHS risks for temporary migrant and seasonal workers may be increased by cultural, language, lack of experience, and lack of understanding of A&NZ OHS standards. Workers may also be reluctant to report injuries due to a desire to maximise their income during their placement (MacDermott and Opeskin 2010).

To address these risks, the Project will support the LMU and RRHs to raise awareness and build the capacity of PNG seasonal/migrant workers in OHS through pre-departure and worker readiness training. The Project will engage an OHS specialist, to provide technical advice and support on OHS aspects during project implementation Identify opportunities for strengthening OHS culture of PNG seasonal/migrant workers through engagement with

leading PNG businesses and industries; develop and implement OHS learning modules for pre-departure and worker readiness to ensure PNG seasonal/migrant workers have sufficient knowledge of OHS and English skills to understand all health and safety instructions.

There is also an opportunity for strengthened collaboration with A&NZ agencies and approved employers to strengthen host country measures including on-arrival training, OHS learning material in Tok Pisin and Hiri Motu, and communicating key messages about OHS risks; and support the LMU through its liaison function, to provide support on OHS matters to PNG seasonal/migrant workers whilst on assignment, and monitor the quality of workplace inductions on occupational health and safety issues.

0.4.3.4 WELFARE AND LIVING CONDITIONS

Welfare and pastoral care

PLS, SWP and RSE workers frequently face challenges in their daily lives outside the workplace. Many first-time participants experience culture shock when exposed to the lifestyle and culture in Australia/New Zealand and different behavioural expectations both at and outside of work. Many find the management of their finances and remittances challenging. Being overwhelmed with an entirely new situation is one of the factors that has led to instances of antisocial behaviour including abuse of alcohol and alcohol-related incidents such as drunk driving and assaults.

All three A&NZ programmes have put in place stringent requirements and arrangements for worker welfare and pastoral care. Employers under these programs are required to provide/or assist workers with a range of welfare and wellbeing support services.

A&NZ Welfare Resources

Welfare resourcing arrangements differ for each program. SWP AEs must also appoint a “Welfare and Wellbeing Support Person” either from their organisation or from a Welfare and Wellbeing Provider within 300 kilometres of the worksite. In 2021 SWP arrangements have been further strengthened through an initiative to engage local community organisations to provide additional welfare services. This is in addition to the 19 Pacific Labour Mobility Officers who will be based in all States and Territories and will undertake additional welfare, monitoring, compliance and accommodation checks (refer above). Under the PLS, AEs are required to work with the PLS managing contractor and its Worker Welfare Team to obtain the necessary competencies in working with Pacific Islanders and to monitor the welfare of their workers. In NZ, the RSES has independent RSE Relationship Managers which work with both employees and employers to ensure that welfare requirements are met and any issues are quickly resolved.

Sending Country Liaison Function

In addition to the mechanisms provided by Australia and New Zealand, some sending country governments have appointed liaison officers based in Australia and New Zealand. Papua New Guinea has not appointed liaison officers in Australia and New Zealand and is instead recruiting a welfare officer to be based within the LMU who will be responsible for supporting workers while overseas.

It is envisaged that the welfare officer will be in contact and meet with workers in PNG before and after their assignment, and whilst they are in Australia and New Zealand. As the programme expands, provinces and districts may assign additional welfare officers that can help resolve issues focused on the welfare of workers and their families without having a mediating role between employers and workers.

The Project will support the LMU (and RRHs) to strengthen their liaison functions. This is a core component of project design and will include the provision of TA to support the development of a liaison strategy and action plan; the development of LMU (and RHH) liaison staff; development of communication and information dissemination tools; strengthening of grievance and incident management arrangements, and development and implementation of activities that support liaison functions across the labour mobility cycle (i.e. from worker readiness to worker reintegration).

Worker Accommodation

Worker accommodation is a key issue for workers under the three programs. Issues include poor and/or unsuitable facilities, overcharging and overcrowding. The three schemes closely regulate the accommodation and welfare requirements. Employers under the SWP and RSES must provide suitable accommodation to seasonal workers at a reasonable cost and comply with all relevant laws. There are detailed requirements as to the condition of the accommodation and the features that have to be included (such as hot water supply, adequate kitchen and dining facilities, adequate heating, etc). Under the PLS, where workers can stay for longer periods, accommodation is organized by the AEs or with assistance from PLF's Worker Welfare Team. RSES's compliance and assurance arrangements include site-based inspections of all accommodation on RSE application and every 2 years thereafter. PLS and SWP monitoring has relied more heavily on self-reporting and desk-based monitoring to-date, however these frameworks have been recently strengthened.

The Project will ensure workers are fully informed and have realistic expectations regarding their accommodation (including its cost and implication for salary deductions). Project support for the LMU's liaison function, including grievance redress arrangements, will also better support workers who encounter issues relating to accommodation.

Communications and maintaining links with home

Communicating and maintaining links with families and communities is a significant challenge for PNG seasonal/migrant workers. The costs of phone calls to PNG remains prohibitively high. While workers in Australia and New Zealand generally have good mobile phone and wifi reception at their accommodation places, some of their families in PNG have no internet access, especially if the families live in remote areas of the country.

The Project will support the LMU to address communication challenges by supporting awareness and capacity on the use of web-based communication tools and the establishment of communication hubs in RRHs to facilitate cost-effective communication between workers and their families.

0.4.3.5 GENDER DIMENSIONS AND GENDER-BASED VIOLENCE

Gender dimensions – Women workers in A&NZ

There is limited data/research on the barriers female seasonal/migrant workers face whilst on assignment in Australia and New Zealand. Anecdotal evidence suggests that once in Australia or New Zealand female workers can experience a number of challenges including the lack of suitable/safe accommodation and facilities; women's health and safety issues (i.e. pregnancy, sexual exploitation and abuse or sexual harassment); poor access to appropriate health services in remote areas; and family pressures from home.

The Project will support the LMU to collect data and conduct research into the barriers for female workers from PNG participating in labour mobility programs in Australia and NZ; and provide targeted worker readiness and pre-departure training for female workers.

Gender-based violence in A&NZ

Anecdotal evidence points to incidents of gender-based violence and sexual exploitation and abuse and sexual harassment (SEA/SH) suffered by migrant workers in the recipient countries, both at the workplace as well as at the place of accommodation. Little is known about how widespread and severe such incidents are.

Sexual harassment is unlawful in Australia under the Sex Discrimination Act, and in New Zealand under the Human Rights Act (1993) and the Employment Relations Act (2000). The SWP and RSES implementation documents do not specifically address the issues of gender-based violence and sexual harassment other than to highlight A&NZ laws and expectations on the topics. The PLS implements DFAT’s Preventing Sexual Exploitation Abuse and Sexual Harassment policy and has a specific SEA/SH grievance mechanism and incident reporting tools which have been adopted by the PLS.

The Project will support the LMU to include training modules on GBV and SEA/SH into pre-departure briefings including information on A&NZ redress mechanisms and support services; and to establish channels through which workers can communicate personal emergencies and GBV related complaints to the LMU. The project will also finance training and support to develop the capacity of the LMU to receive and respond to these specific cases.

0.4.3.6 COORDINATION ON GRIEVANCE REDRESS, INCIDENT MANAGEMENT

The bilateral agreements between the Government of PNG (GoPNG) and Government of Australia (GoA) and Government of New Zealand (GoNZ) broadly outline the accountabilities and implementing arrangements for respective agencies in PNG, Australia and NZ. Roles and responsibilities for the timely response to grievances and incidents are held with the host country governments in coordination with sender country governments. These bilateral agreements are high level documents. All outline articles for cooperation on the management of risks and information sharing. Further detail on coordination and information sharing with respect to incidents (and grievances) is provided below.

Grievance redress mechanisms

PLS, SWP and RSE workers have access to a number of grievance mechanisms in Australia and New Zealand. However not all workers utilize these mechanisms due to hesitancy to report issues which may impact their employment/visa status; or what they perceive as cumbersome and complicated processes. In response to these issues, the A&NZ programmes have strengthened grievance mechanisms and welfare and compliance resources in recent years (refer above).

The LMU encourages workers to use these mechanisms and provides information on these mechanisms and how to access them during pre-departure training. As discussed above, the LMU is also committed to establishing and maintaining relationships with employers and workers as an additional measure for ensuring that concerns and issues arising during placements can be effectively managed (LMU Operations Policy 2020).

The Project will provide TA to strengthen the LMU and RRHs liaison functions including supporting PNG seasonal/migrant workers to raise and resolve complaints using A&NZ grievance mechanisms. The liaison function, and specifically communication and information dissemination tools, is expected to assist PNG seasonal/migrant workers in ensuring their concerns are addressed by AEs and relevant authorities promptly and effectively. A&NZ programs have established mechanisms for coordinating with sender country governments on complaints (as well as incidents) – refer below, and the LMU will utilise and strengthen these existing arrangements. The project will support the LMU to develop capacity to ensure facilitation of A&NZ grievances is

done discreetly, in a culturally appropriate manner, and sensitive and responsive to the needs of the worker. Pre-departure training supported by the project will include strengthened modules, activities and materials on grievances, A&NZ grievance redress mechanisms, and LMU (and RHH) liaison support. The project will support the LMU to develop grievance tracking and reporting tools. These tools will enable the LMU to monitor the status/resolution of grievances, report, and evaluate the functioning of the liaison/grievance function, and identify key issues/trends which can be further addressed by the LMU during in-country preparation and mobilisation activities.

Incident Management

The PLS and SWP both have incident management processes which outline AE responsibilities for reporting and managing critical and non-critical incidents. PLS has recently released a ‘First Response Escalation Process’ which provides further detail on the management of low risk (level 1), medium risk (level 2) and high risk (level 3) complaints/issues and incidents. This includes the requirement to notify Labor Sending Units and HOMs for all high risk (level 3) matters. Any engagement between the LSUs such as the LMU and Australian Agencies for both PLS and SWP is coordinated by the PLF and DFAT. The RSES utilises the Labour Inspectorate and Worksafe NZ’s incident reporting frameworks. . MBIE has four RSES Relationship Managers that work to support workers and employers. RSE employers are required to contact the relevant RSE Relationship Manager as soon as possible to report any incident involving their seasonal workers. There are also two Relationship Managers within the Toso Vaka O Manu programme who have recently extended their role beyond liaison with sender country governments, to building relationships within New Zealand including with liaison officers, high commission staff, employers and workers.

The Project, through its support for strengthened LMU liaison functions will establish processes and systems to support referral and response, and track and report on critical and non-critical incidents involving PNG seasonal/migrant workers that occur whilst they are on assignment in Australia and NZ. Information on these incidents will be shared with the World Bank through regular project reporting. The LMU will provide individual incident information to the World Bank for critical incidents outside of regular progress reporting, and in a timely manner.

The Project technical assistance will also support the LMU to strengthen coordination on critical/high risk grievance and incident response with the PNG Department of Foreign Affairs and High Commissions in Australia and NZ.

0.5 Social Management Plan

The LMU has developed an SMP outlining key measures to ensure that Project related risks and potential adverse impacts for migrant workers, and their families and communities and are avoided, mitigated and managed during Project implementation. This includes measures within the project’s control to further mitigate risks to PNG seasonal/migrant workers in Australia and New Zealand.

0.5.1 Social Risk Mitigation Measures

Key social risk mitigation measures have been integrated into Project design and include:

- **Equitable access to labour mobility opportunities:** Support for equitable worker selection policies and procedures; improved community outreach; targeted support for women and other vulnerable and disadvantaged groups; and provision of loans to finance pre-departure costs.

- **Informed and prepared migrant/seasonal workers:** Strengthening worker readiness and pre-departure training; and support financial literacy training to ensure that PNG seasonal/migrant workers (and their families) are better informed and prepared to benefit from and manage labour, working condition and welfare risks associated with overseas work.
- **Involved and prepared families and communities:** Strengthening engagement and involvement of worker’s families and communities in labour mobility decision making, financial decision making and preparatory/reintegration activities; and support for improved communication facilities which between overseas workers and their families.
- **Supporting migrant/seasonal workers (and their families):** Strengthen the LMU (and RHHs) worker liaison and A&NZ agency coordination functions to better support workers and their families whilst workers are overseas including use/development of communication, information sharing and worker welfare monitoring tools (i.e. WhatsApp and/or tailored app; online survey tool) and enhanced capacity, processes and systems for supporting workers to use and navigate A&NZ grievance mechanisms and for LMU coordination with PNG High Commissions and A&NZ agencies.
- **Reintegration and development:** Strengthen support and assistance for returning workers and their families including identification and/or supporting employment, business development and social reintegration support services (i.e. psychological and emotional well-being, family counselling and GBV services).

The following risk mitigation instruments and tools will also be implemented:

- **Social and conflict analysis tool** to inform risk management planning in programme design, stakeholder engagement and grievance management
- **COVID-19 Response Protocol** to manage the risk of COVID-19 transmission between project workers and project beneficiaries.
- **Stakeholder Engagement Plan** and **Grievance Redress Mechanism** to ensure effective public consultation, information dissemination, enhanced social accountability and project related grievance management.
- **Labor Management Procedure** and **Worker Grievance Redress Mechanism** to manage labour and working condition risks for Project workers and related grievances.
- **Environmental and Social Code of Practice** to manage risks associated with small scale construction activities.

0.5.2 Social Monitoring and Reporting

LMU will monitor and report on the implementation of project TA and activities; the implementation of the ESCP, SMP, SEP and LMP; as well as any grievances or incidents relating to project implementation in PNG. LMU will also utilise its strengthened worker liaison and A&NZ agency coordination functions to monitor and report on the status of PNG seasonal/migrant workers on assignment in A&NZ, as well as any labour, working condition or welfare related issues, grievances and/or incidents.

0.5.3 Implementing Arrangements

A project management unit (PMU) will be established and housed within the LMU to support implementation. The **LMU Director** will provide oversight and support coordination of Project implementation across PNG

government departments, with Provincial Authorities and with A&NZ governments and labour mobility programs. An LMU **Welfare and Liaison Officer** is expected to be recruited by December 2021. This position will be responsible for worker liaison/labour and welfare functions being supported by the Project.

A Project Management Unit (PMU) will be established within the LMU (and regional administrations where required) to support project implementation. The PMU will be headed by a Project Manager and include at a minimum a Financial Management Specialist, Procurement Specialist, M&E Specialist, Social Risk and Welfare Specialist and Admin Officer.

The PMU will include technical advisers to support E&S risk management and the implementation of the SA/SMP and associated instruments. A **Social Risk, and Welfare Specialist** will function as a core member of the PMU and will support the PMU Project Manager to ensure that social risks are managed in accordance with the Project's legal and other requirements. A **Gender and GBV Specialist** (part time) will support the PMU Project Manager to ensure that gender and GBV risks are managed. Other specialists will include a Labour and Working Conditions Specialist and OHS Specialist who will be engaged through project TA.

0.5.4 Training and Capacity Building

The Project will finance a fully staffed PMU to provide technical assistance to the LMU. The PMU will conduct an institutional capacity assessment and develop a capacity development program consisting of formal and on-the-job training and professional development activities.

0.5.5 Social Management Budget

Key social risk mitigation measures have been integrated into the main project design and included in relevant component implementation budgets.

The budget for the implementation of other risk mitigation tools and instruments, and ongoing monitoring and reporting is included in the overall costs of Social Risk and Welfare Specialist (\$250,000) and part-time Gender and GBV Specialist (US\$125,000).

Other technical specialists such as an Occupational Health and Safety Specialist and Labour and Working Conditions Specialist will be supplied through project supported technical assistance activities.

Table 0-1 Overview of Key Elements of Australian and New Zealand labour mobility programmes

	Pacific Labour Scheme	Seasonal Worker Programme	Recognised Seasonal Employment Scheme
Country	Australia	Australia	New Zealand
Administered by	Department of Foreign Affairs and Trade Pacific Labour Facility under DFAT PLS website	Department of Education, Skills and Employment (DESE) SWP website	Immigration NZ and Ministry of Business, Innovation and Employment (MBIE) RSE website
Managing Contractor	Palladium Group (PLF)	None	None
Start date	1 July 2018 (NAWPP pilot from 2015)	1 July 2012 (PSWPS pilot from 2008)	2007
Participating countries	Kiribati, Nauru, PNG Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu (and Timor-Leste)	Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu (and Timor-Leste)	Priority recruitment from Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. Workers from other countries permitted if certain conditions met (refer to WH1.1.10)
PNG Access Agreement	MOU signed 20 March 2019	MOU signed 8 July 2010 (under the Pacific Seasonal Worker Pilot Scheme)	Inter-agency Understanding (IAU) signed 14 August 2013
Purpose	Demand (employer) driven to fill labour shortages. Contributes to economic development in Pacific countries.	Demand (employer) driven to fill labour shortages. Contributes to economic development in Pacific countries.	Demand (employer) driven to fill labour shortages. Contributes to economic development in Pacific countries.
Length of stay	Up to 3 years (minimum 12 months)	Up to 9 months (per year)	Up to 7 months (in any 11 months)
Sectors	All sectors in rural and regional Australia with an initial focus on accommodation, food services, health care and social assistance, and non-seasonal agriculture, forestry and fishing.	Agriculture Accommodation (select locations) Tourism (select locations)	Horticulture and viticulture sectors
Skill level	Low skilled and semi-skilled	Unskilled and low skilled	Unskilled and low skilled
Age of workers	21-45 years	21 years and over	18 years and over
Legal requirements – labour and working conditions including terms and conditions, non-discrimination, worker organization, OHS	“All workers under the Scheme are protected by Australian workplace laws , in the same manner as Australian workers” (refer to PLS Policy Handbook)	Seasonal workers employed “in accordance with the SWP requirements and Australia’s Fair Work , Occupational Health and Safety, Immigration, Tax, and Workers’ Compensation laws” (refer SWP implementing arrangements).	“All employers wishing to employ non-New Zealand citizen or residence class visa holders to work in New Zealand must comply with all relevant employment and immigration law in force in New Zealand” refer W2.10

	Pacific Labour Scheme	Seasonal Worker Programme	Recognised Seasonal Employment Scheme
	Specific requirements covered in programme documents (see below).	Specific requirements covered in programme documents (see below).	Specific requirements covered in programme documents (see below).
Legal requirements – Useful resources for employers and workers	Fair Work Ombudsman: <ul style="list-style-type: none"> • General tools and resources • Horticultural specific • Seasonal worker specific Language story boards (in Tok Pisin); Worksafe Australia (note various state resources also exist) <ul style="list-style-type: none"> • Resources for migrant workers 		Employment NZ <ul style="list-style-type: none"> • Tools and resources including self-paced online learning modules. Worksafe NZ <ul style="list-style-type: none"> • General tools
Key Implementation Documents	<ul style="list-style-type: none"> • PLS Policy Handbook • PLS Approved Employer Guidelines • PLS Deed of Agreement • Approved ‘Offer of Employment’ outlining terms and working conditions 	<ul style="list-style-type: none"> • SWP Implementing Arrangements • SWP Approved Employer Guidelines • SWP Deed of Agreement • Approved ‘Offer of Employment’ outlining terms and working conditions 	<ul style="list-style-type: none"> • NZ Immigration Operations Manual - WH1 RSE Instructions • RSE Employer Guide • RSE Application Form • RSE Worker Guide • RSE Worker Get Ready Guide • Agreement to recruit • Employment Agreement (Requirements) and template.
Program Work readiness tools	<ul style="list-style-type: none"> • Comprehensive pre-departure briefing materials (in English; interpreted during training) 	<ul style="list-style-type: none"> • Pre-departure guidebook (in Tok Pisin) 	<ul style="list-style-type: none"> • Get Ready Booklet (in multiple languages but not Tok Pisin)
Program Compliance: Approved employer process	Approved Employer process <ol style="list-style-type: none"> 1. Deed of Agreement 2. Approved Recruitment Plan (included welfare, working conditions etc) List of PLS Approved Employers	Approved Employer process <ul style="list-style-type: none"> • Deed of Agreement • Approved Recruitment Plan • Welfare and Wellbeing Plan • Accommodation Plan List of SWP Approved Employers	Registered Employer process <ul style="list-style-type: none"> • Agreement to recruit • RSE Application Form • Repatriation Agreement List of Registered Seasonal Employers
Program Compliance: Governance	Lead: DFAT & (PLF – Palladium: Worker welfare team) Various AUS government agencies (i.e. Fair Work Commission, Worksafe etc...)	Lead: DESE – Pacific labour mobility officers and contract managers Employer - Welfare & Wellbeing Support Person	Lead: MBIE’s Labour Inspectorate, labour inspectors and compliance officers

	Pacific Labour Scheme	Seasonal Worker Programme	Recognised Seasonal Employment Scheme
		(allocated by approved Employer) Various AUS government agencies (i.e. Fair Work Commission, Worksafe etc...)	MBIE Relationship Managers – non punitive approach to resolving issues. Various NZ government agencies (MBIE, Employment NZ, Accident Compensation Corporation, Safework etc..)
Compliance Assurance Frameworks	PLS Assurance Framework (refer AE Guidelines) includes i) education; ii) risk-based monitoring; iii) compliance monitoring. Monitoring includes self-auditing/reporting, notice to report and site visits. Non-compliance system: include: i) education; ii) breach notice; iii) corrective action; iv) suspension; v) termination of deed	SWP Assurance Framework (refer AE Guidelines) includes: i) prevention & deterrence; ii) monitoring & detection; iii) correction. Monitoring includes self-auditing/reporting, notice to report and site visits. Non-compliance system: include: i) education; ii) breach notice; iii) corrective action; iv) suspension; v) termination of deed	Assurance framework is not outlined in the RSE Instructions. NZ Labour Inspectorate’s Assurance Framework is used for RSE includes education, audits/investigations and enforcement. NZ LI manages a stand down list – includes RSEs The RSE Policy is under review and compliance monitoring is being strengthened - see here and here
Incident Reporting	Incident management procedures : classification, notification, investigation, corrective action.	Incident reporting requirements (refer AE Guidelines) for critical incidents and non-critical incidents	No formalised RSE incident reporting framework documented. Use of RSE Relationship Managers NZ LI and Worksafe NZ incident reporting frameworks utilised.
Grievances	Worker Welfare Team Hotline (1800 51 51 31) or email Fair Work Ombudsman National Translating and Interpreting Service available - 131 450	SWP information line: 02 6240 5234 or email . [Worker Welfare Team Hotline (1800 51 51 31) also mentioned] National Translating and Interpreting Service available - 131 450	Under the IAU between NZ and PNG, workers are given the contact details of the MBIE’s Relationship Managers and National Manager RSE General MBIE complaints mechanism exists. Migrant worker hotline: 0800 20 90 20 (supported by Ezipeak – 180 languages)
Host/Sender Country Coordination	High Commissions Heads of Mission Roundtable	High Commissions Heads of Mission Roundtable	High Commissions Toso Vaka Manū Program

	Pacific Labour Scheme	Seasonal Worker Programme	Recognised Seasonal Employment Scheme
Gender based violence and Sexual Exploitation & Abuse /Sexual Harassment	<p>Protection under Australian Law; Program SEA/SH policy (refer handbook)</p> <p>GBV covered in incident reporting and GRM . Specific SEA/SH incident reporting framework</p> <p>Australian Human Rights Commission provides information/education resources and is responsible for receiving and investing sexual harassment complaints in the workplace.</p> <p>Safework Australia – employer responsibilities and resources on SEA/SH and support services.</p>	<p>Protection under Australian Law; No Program specific policy</p> <p>Covered more generally under worker welfare and incident reporting and GRM. Australian Human Rights Commission provides information/education resources and is responsible for receiving and investing sexual harassment complaints in the workplace</p> <p>Safework Australia – employer responsibilities and resources on SEA/SH and support services.</p>	<p>Protection under NZ Law; No program specific policy</p> <p>Incident reporting not outlined in program documents. Covered by Worksafe Australia NZ Human Rights Commission provides information resources and a confidential mediation service</p> <p>Worksafe NZ – employer responsibilities and resources on SEA/SH and support services.</p>