

KINGDOM OF CAMBODIA

Nation Religion King



**WORKERS' GRIEVANCE REDRESS MECHANISM
(CONTRACT WORKERS, PRIMARY SUPPLY WORKERS AND
COMMUNITY WORKERS)**

**Land Allocation for Social and Economic Development Project III
(LASED III)**

Prepared by: Environmental and Social Safeguards Units
Ministry of Land Management, Urban Planning and Construction (MLMUPC), and
Ministry of Agriculture, Forestry and Fisheries (MAFF)
December 22, 2022

Contents

1. Purpose..... 3

2. Goal..... 3

3. Principles of the grievance redress mechanism for workers in LASED III (contract workers, primary supply workers and community workers)..... 3

4. Institutional preparation for LASED III workers' grievance redress mechanism4

5. Duties of the Workers' Grievance Redress Committees..... 6

6. Process for resolving workers' grievances (excluding community/ community workers who have voluntarily joined the project)..... 8

Appendix 3: Provincial Workers' Grievance Redress Committees.....13

1. Purpose

- This grievance redress mechanism (referred to as GRM-W) is for all LASED III workers who think they have been exploited and their rights to safety and health, labor rights, (fair treatment, nondiscrimination and equal opportunity) have been violated. Everyone has the right to use this mechanism, without any restriction, which applies to LASED III projects in an accurate and transparent manner to obtain appropriate remedies.
- LASED III workers' grievances are promptly addressed in the workplace by using a simple and transparent grievance redress process, including providing timely feedback to stakeholders in their preferred language, independent in nature and approval in accordance with the existing legal framework of Cambodia, such as the Labor Law 1997, the Project Implementation Manual (PIN), and the Second Environmental and Social Standards (ESS 2), Procedures On Labor and Employment Conditions, the Environmental and Social Management Framework (ESMF), Stakeholder Engagement Plan (SEP) and the Labor And Working Condition Procedure (LWCP).

2. Goal

- Everyone working for the LASED III project who has been exploited and whose rights to safety and health have been violated has access to a judicial proceeding as described in this grievance mechanism.
- Everyone who works for the LASED III project will be aware of the grievance mechanism and have the right to raise their concerns (including feedback) and to file a grievance against the misconduct of management, executives, contractors, service providers and suppliers.
- All stakeholders will be aware of this mechanism, such as:

3. Principles of the grievance redress mechanism for workers in LASED III (contract workers, primary supply workers and community workers)

- **Openness and transparency:** the project record all feedbacks and complaints that have been filed, including the results, content and time spent considering and resolving grievances. The summary of the record will be updated regularly. The project considers the return of all complaints received as an opportunity for project improvement.
- **Validity:** all grievances will be filed by personal will and will be assessed based on the facts of the complaint, regardless of the identity or status of the complainant. This complaint will be assessed with impartiality in accordance with the relevant laws and regulations and operating guidelines of the LASED III project. In relevant cases, the validity of the complaint will be assessed based on the executive and non-hazardous provisions.
- **Convenience:** The project aims to ensure that workers affected by all project work and other stakeholders can use the grievance redress mechanism free of charge. Complainants may file a complaint in person (in writing or orally) or through a Community Development Coordinator or an organization or representative body. For example, NGOs and other non-partner civil society organizations may also file a complaint on their behalf if requested by one or more complainants who feel they have been adversely affected from working with contractors, service providers and project suppliers. Information about this mechanism will be available in Khmer and will be posted on the project website, published in special project documents, documents that focus on local people, such as internal measures of poor institutions, technical manuals and leaflets.

Information on workers' grievances is also provided at start-up meetings with the community of all potential beneficiaries.

- **Response and Effectiveness:** The project will process and respond to all complaints in a timely and efficient manner. The project will notify you of the feedback within 5 business days. This mechanism will take up to 30 business days after the complaint is filed, leaving time for information gathering and examining the evidence (if necessary). This mechanism may require additional time for negotiation with the parties to the complaint, but this resolution shall not exceed 45 working days.
- **Anonymity and Confidentiality:** The person or entity submitting the complaint may request anonymity, in which case his or her name will not be made public. Confidentiality will also be maintained while the Grievance Redress Committee is considering any case (for example, the source and any individual, contractor or entity accused of wrongdoing should be protected). If they are found to have committed a minor offense for which they have been charged, they will be explained of their wrongdoing, accepted the blame and taken mitigation measures. However, in the case of crimes, for example, fraud or theft that violate the laws of the Kingdom of Cambodia, they will be required to go to the court for further action.

4. Institutional preparation for LASED III workers' grievance redress mechanism

- **The LASED III National Workers' Grievance Redress Committee is located at the Ministry of Land Management, Urban Planning and Construction. The Committee is composed of the following:**

- Project Director Chairman
His Excellency, Roth Hok, Tel: 012 823 714, Email: hokroth@gmail.com
- Representative of the Ministry of Agriculture, Forestry and Fisheries in charge of resolving workers' grievances Member
His Excellency, Khy Kosal, Tel: 081 839 345, Email: kosalkhy@yahoo.com
- Focal Officer in charge of resolving workers' grievances (Ministry of Land Management, Urban Planning and Construction) Member
Mr. Rithy Rattanak Chey Seth, Tel: 017 988 333 Email rrcheysith@yahoo.com
- NGOs (Independent Representatives) Member
- Environmental and Social Risk Management Advisors Secretary

The complainant can also file a complaint or leave the concerns of the negatively affected workers through the email: LASEDIIIIGRM@GMAIL.COM

- **The LASED III Workers' Grievance Redress Committee is located at the provincial hall or the Department of Land Management, Urban Planning, Construction and Cadastre. This committee has the following composition:**

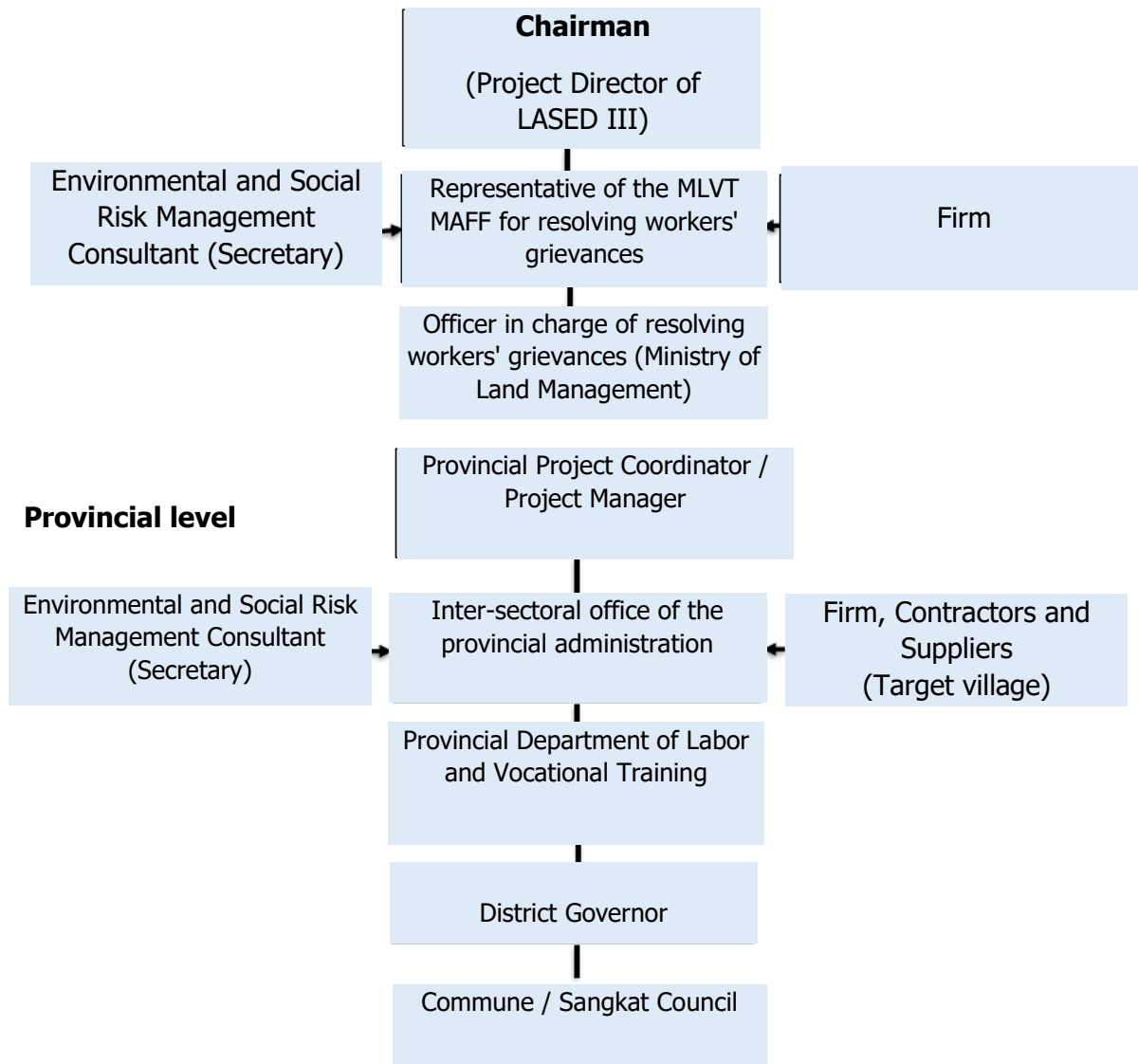
- Provincial Project Coordinator or Project Manager Chairman
- Inter-sectoral office of the provincial administration Member

- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organizations (Target Villages) Member

The complainant can also file a complaint or leave the concerns of the negatively affected workers through the email: LASEDIIIGRM@GMAIL.COM

LASED III Workers' Grievance Redress Mechanism

National Level:



5. Duties of the Workers' Grievance Redress Committees

- Roles and responsibilities of the National Grievance Redress Committees, including:

- A. Keep a record of all grievances and feedback and results;
- B. Capacity building and providing support, guidance, including grievance redress processes, project implementation agencies, contractors, service providers, suppliers and partners.
- C. Direct intervention to assist in resolving grievances if necessary and when unresolved protests at the provincial level. The project director oversees the implementation of the grievance redress mechanism with the assistance of a national environmental and social risk management consultant.

- D. Monitor progress if necessary and make recommendations for national grievance management. For example, in cases involving the Department of Agriculture, the Ministry of Agriculture, Forestry and Fisheries, the project implementation agency, shall appoint a focal point in charge of resolving grievances for workers.
- E. Inspect and monitor the performance of workers' grievance redress teams to ensure compliance with procedures governing labor conditions and working conditions contracts between the project and the contractor or service provider or supplier.
- F. Prepare reports according to the definition of complaint management activities, including 1) the number and type of complaints, 2) information on how to resolve grievances (how many have been resolved, how to resolve and unresolved complaints); 3) Introduce measures to strengthen complaint resolution mechanisms; and the scope of resolution to the project management committee. Report to the World Bank on a semi-annual basis on workers' grievances and gender data (female, male) and how to resolve them.

- **Roles and responsibilities of the Provincial Workers' Grievance Redress Committees include:**

- A. Record the complaint in the standard form (Appendix 1A) and copy it into the system of management by the focal officer in charge of the workers' settlement mechanism of the Ministry of Land Management, Urban Planning and Construction. Inform and explain the rights of the complainant and the preliminary examination of the claim, whether or not the claim relates to the rights of the worker, the conditions of labor and employment, the employment contract between the contractor and the contractor or the service provider or the supplier and the grievance redress mechanism of workers. In case the complaint is not related to the LASED III project (the mechanism for resolving workers' grievances), it should be sent to another institution. In such a case, the complainant will be briefly explained the reasons for this.
- B. Prepare a letter confirming the receipt of the feedback and inform the relevant parties of the action to be taken and confirm the rights of the grievant.
- C. The process of investigating and preparing factual reports for workers' grievance redress committees at the provincial level.
- D. The working group of the Workers' Grievance Redress Committees at the provincial level shall organize a meeting to review the facts, ask the complainants, stakeholders and decide on the actions, including 1). Do not take action 2). Resolving the complaint 3). and send this file to the national focal officer in case it cannot be resolved.
- E. Prepare a letter of notification to the complainant (keep a copy). All complaints must be kept confidential.
- F. Taking action to resolve workers' complaints. Settlement of grievances shall be based on the contract between the project and the contractor / service provider / supplier of goods and the grievance procedure of workers, norms and society II (ESS2), labor and working conditions procedures (LWCP) and the labor law 1997.
- G. Record the results in the Workers 'Complaints Resolution Book and prepare a report by sending the Workers' Grievance Redress Committees to the national level as scheduled.

6. Process for resolving workers' grievances (excluding community/ community workers who have voluntarily joined the project)

- Individuals who are workers or representatives who are thought to be adversely affected by the exploitation of health and safety rights, labor rights, (fair treatment, nondiscrimination and equal opportunity) have been violated by contractors / service providers / suppliers in the LASED III project can file an oral or written complaint (by email, phone or social media account of the project to the staff of the project implementation agency or partner organization (Appendix 1A) or file a complaint via email lasediiiigrm@gmail.com
- Receiving the primary complaints is the provincial workers' grievance redress committee. However, victims of exploitation of safety and health rights may file a complaint with the National Grievance Redress Committees or to the staff of the enforcement agency or partner organization that supports the implementation.
- The person who receives the complaint, with the support of the post officer in charge of the grievance redress mechanism, shall prepare the documents and submit the grievance to the provincial workers' grievance redress committee. Upon receipt of the complaint, the Secretary of the Provincial Workers' Grievance Redress Committees will take the following steps:
 - o Enter the details in the grievance record (Appendix 2A)
 - o Record the grievance in the Provincial Workers' Grievance Book, notify the Chairman of the Provincial Workers' Grievance Redress Committees and copy it into the National Workers' Grievance Book.
 - o Complaints that are not related to the project should be forwarded to another institution and briefly explained to the grievant.
 - o After receiving the complaint, it is necessary to prepare a letter with the following confirmation:
 - A. Confirm receipt of the complaint and reply to the grievant within 5 working days;
 - B. Inform stakeholders about the process of action to be taken;
 - C. Confirmation of the rights of the grievant.
- **Resolution procedures includes:**
 - Preliminary examination and recording of the grievance form explaining the rights of the complainant, copied into the grievance file. The Secretary of the Provincial Workers' Grievance Redress Committees shall examine whether the grievance relates to workers' rights in the context of LASED III. Then prepare a report to inform the Chairman of the Provincial Workers' Grievance Redress Committees. In case the grievance is "irrelevant or related to workers' rights in the context of LASED III project, the provincial workers' grievance redress committee will issue a response letter within 5 working days.
 - Grievances should be investigated by the focal officer in charge of the grievance redress mechanism for workers and the provincial environmental and social risk management advisor. Investigations include interviewing complainants, project staff, contractors, service providers, suppliers and local authorities, and key people at the implementation site. Project

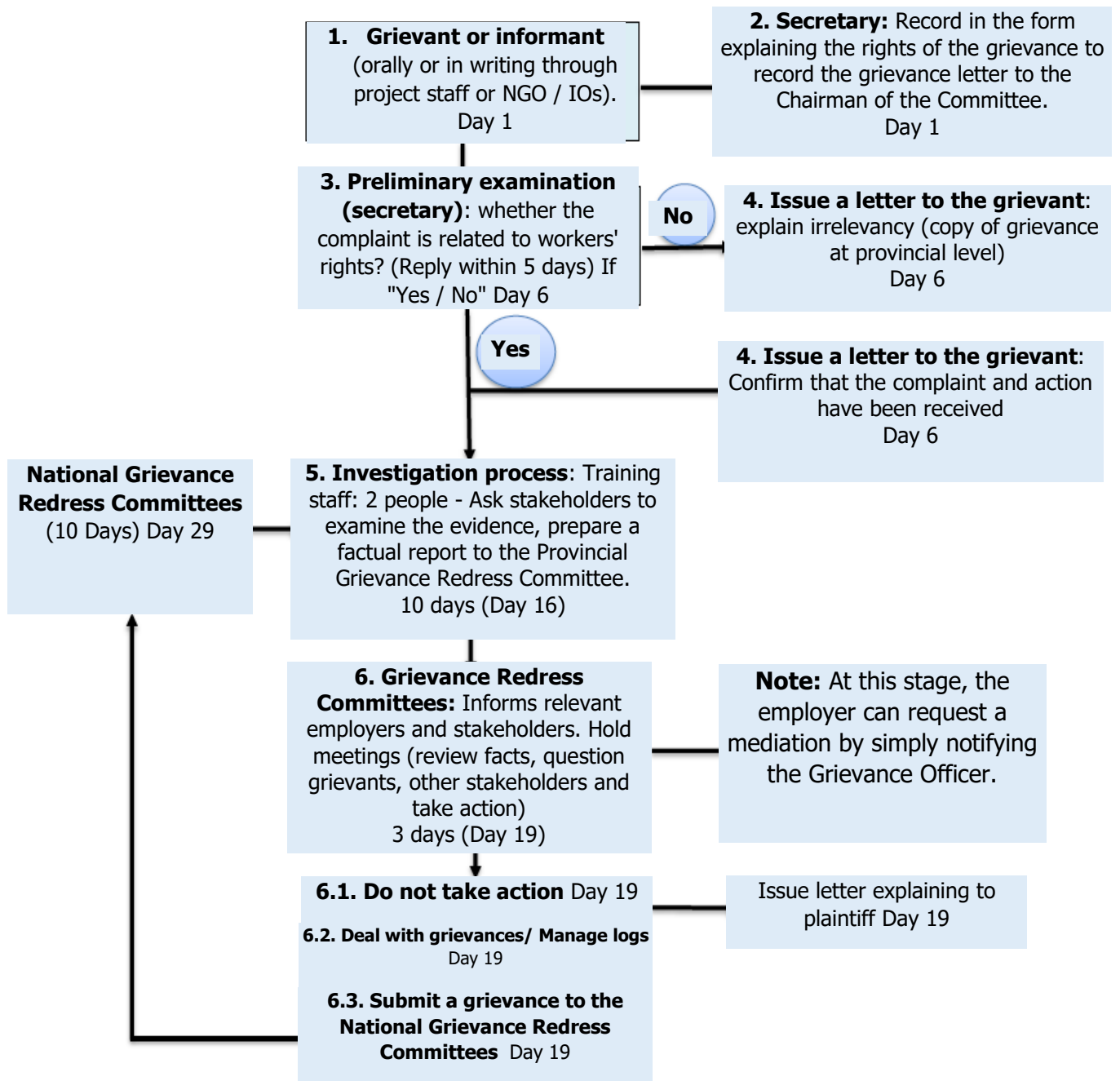
staff must cooperate with the investigation team and provide relevant documents if necessary.

- If the complainant requests anonymity, the investigation team must not reveal the identity of the complainant. In some cases, grievances cannot be investigated when the identity of the complainant is not disclosed to the committee. In this case, the Committee still intends to resolve the grievance as much as possible based on the information provided. The investigation team must complete the investigation and prepare to submit the fact report to the committee.
- The investigation team does not have the right to make recommendations, but must report the facts.
- After receiving the fact-finding report from the Investigation Team, the Provincial Workers' Grievance Redress Committee will hold a meeting to review the report and decide on the following actions:
 - A. Do not take action (by issuing a letter explaining to the plaintiff)
 - B. Take action to resolve the grievance. Inform the employer (contractor, service provider and supplier) of the grievance and invite the employer to a meeting to review the facts of the grievance within 14 days after the initial notice of the grievance. If the grievant is not satisfied with the resolution, the grievant may file a grievance with the National Grievance Redress Committees.
 - C. In case the provincial workers' grievance redress committee is unable to resolve the grievance, the grievance will be forwarded to the national workers' grievance redress committee. In this case, the plaintiff is informed of the subpoena. If the National Workers' Grievance Redress Committees is still unable to resolve the grievance, the grievant can refer the grievance to the LASED III Project Steering Committee for further resolution. Expenses (e.g., travel expenses, accommodation and food are borne by the project). A letter of notification of the proposed settlement or decision shall be sent to the grievant on the day after the proceedings are closed.
 - D. The plaintiff may file a grievance to the court if the plaintiff does not accept the decision of the LASED III Steering Committee.
- At all stages, the employer can request a conciliation of the grievance, with the complainant simply notifying the post officer of the grievance. If necessary, this process should be attended to by the relevant village and commune authorities.
- Record the results of workers' grievances, then summarize and send to the national level. All documents related to the grievance procedure, the post officer in charge of the workers' grievance redress mechanism shall be kept confidential until the end of the grievance procedure. The file will then be sent to the national focal point officer in charge of the workers' grievance redress mechanism.
- The workers' grievance redress committee must finalize the grievance as soon as possible and not later than 30 days of receipt the grievance. If this cannot be resolved during this time, the grievance redress committee should consider an extension of no more than 15 business days and notify the grievant of the reason for the delay.

All workers' grievance redress committee members are trained on the procedures for implementing grievance redress mechanisms, such as:

- Rights of stakeholders to file grievances, proceedings and confidentiality (anonymity)
- Record the grievance in the standard form (Appendix 1) and submit the grievance form or other documentary evidence to the provincial workers' grievance redress committee.

Workers' Complaint Chart



Appendix 1: Grievance Form

Land Allocation for Social and Economic Development Project III (LASED III) (Grievances for Contract Workers, Primary Supply Workers and Community Workers)

Remarks: Officials of the Land Allocation for Social and Economic Development Project III (LASED III) who have been notified of the grievance shall record it in this form immediately and as soon as possible.

Name of the grievant: Sex: Age:

Nationality: village: Commune:

District: Province:

Detail of the grievant (Tel, Email):

Did the plaintiff request anonymity? Yes No

Date and time of receiving the grievance:

Method of submitting grievance:

- Telephone:
- Oral:
- Written form:
- Email:
- Other:

Grievances recorded by: Position:

Describe the grievance as fully as possible in the following contract dispute section:

Health/Hygiene Work Safety Discrimination and Injustice

forced labor and child labor Other violence Labor exploitation

Protests / Unions Others:

.....

Did the plaintiff (worker) inform about his rights? Yes No

Did the plaintiff (worker) inform you of the next settlement process and how long it will take? Yes No

Appendix 3: Provincial Workers' Grievance Redress Committees

The Provincial Workers' Grievance Redress Committee is located at the provincial hall or the Provincial Department of Land Management, Urban Planning, Construction and Cadastral.

Ratanakiri Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Mondulkiri Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Kratie Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Preah Vihear Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Kompong Thom Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Stung Treng Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Tbong Khmom Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary

- Non-Governmental Organization (Target Village) Member

Battambang Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Kompong Chhnang Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Banteay Meanchey Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Udor Meanchey Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member

- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Siem Reap Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member

Kompong Speu Workers' Grievance Redress Committee

- Project Coordinator or Provincial Project Manager Chairman
- Inter-sectoral Office of Provincial Administration Member
- Department of Social Affairs, Labor, Vocational Training and Youth Rehabilitation Member
- District Governor Member
- Commune / Sangkat Council Member
- Environmental and Social Risk Management Consultant Secretary
- Non-Governmental Organization (Target Village) Member