

# Written Submission on Asian Development Bank's (ADB) September 2023 Draft Environmental and Social Framework (ESF)

Submission from Building and Wood Workers International  
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## BWI Comments on ADB Draft Environmental and Social Framework

### 10. ADB....(page 5)

(iii) Promote the full exercise of the right to freedom of association and effective collective bargaining, fair and non-discriminatory labor and working conditions, and protect project worker and community health, safety, and security.

14. Where... World Bank Group Environmental Health and Safety Guidelines (EHSGs) and WBG ESSF (page 8). (To be consistent with V. Specific Requirements on B. Freedom of Association and Collective Bargaining text: Where national law restricts workers' organizations, the project will not restrict project workers from developing alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment. The Borrower should not seek to influence or control these alternative mechanisms. The Borrower will not discriminate or retaliate against project workers who participate, or seek to participate, in such workers' organizations and collective bargaining or alternative mechanisms)

15. Where a borrower....delete entire paragraph 15 as it contradicts paragraph 13.

### ESS2: LABOUR AND WORKING CONDITIONS (page 45)

#### II. Objectives

- a. Support the full exercise of the right to freedom of association and effective collective bargaining (change the text substance and move from "c" to "a" to give prominence amongst the core labour conventions requirements).

#### III. Scope of Application

2. The applicability of this ESS2 is established during the environmental and social (E&S) assessment process described in ESS1. The scope of application of this ESS2 applies to all project workers during the implementation phase of the project cycle. (This is to assure that regardless of the type of employment and nature of employment relationship between borrower/client and project workers, including community workers, their rights to full exercise FoA is guaranteed).

#### IV. GENERAL REQUIREMENTS (page 46)

7. If there are significant changes to a project that will result in additional risks for and impacts on project workers, the borrower/client will meaningfully consult with project workers and representatives of workers organisations and review and update the project's labor management plan where necessary to indicate how such risks and impacts will be mitigated.

#### B. Terms and Conditions of Work

8. The borrower/client will ensure that, at the beginning of the working relationship, project workers are provided with written contracts and/or other forms of information and documentation that contain clear and understandable terms and conditions of their employment, and in their native languages as the concerned workers will warrant.

10. The borrower/client will ensure that **project workers** are: (i) paid on a regular basis including overtime ~~where applicable~~; and

#### D. Collective Dismissal (page 50)

**30.** In carrying out any **collective dismissal**, the borrower/client will comply with a project's labor restructuring and labor management plans on collective dismissal. The borrower/client will ensure notification to competent government authorities, where required, and provision of information to, and **meaningful consultation** with, **project workers** and **representatives of their workers' organizations**, if any.

#### E. Grievance Mechanism

31. The borrower/client will set up an effective grievance mechanism through which **project workers** and **representatives of their workers' organizations** where they exist, can raise workplace concerns. This grievance mechanism will be separate, and in addition to, the grievance mechanism and described in ESS10 for a project. **The grievance mechanisms defined by a collective bargaining agreement will take precedence over project grievance mechanism.**

#### ESS 4: HEALTH SAFETY AND SECURITY (page 60)

7. If there are significant changes to a project that result in additional risks for and impacts on the health, safety, and security of **project workers** and **representatives of their workers' organizations** and project-affected persons.

8. The borrower/client will require that all **project workers**, and **representatives of their workers' organizations** contractors and subcontractors or other third-party contractors engaged on a project operate in a manner consistent with the requirements of this ESS4.

13. The borrower/client will monitor the health and safety of **project workers** and meaningfully consult with them **along with representatives of their workers' organizations** on OHS related measures in the HSMP. .... The borrower/client ~~will~~ **shall** encourage project workers to stop work in situations of imminent danger and report any unsafe acts and conditions in the workplace.

**There must specific provisions on setting-up of OSH committees including joint TU and management committee to be embedded in the OSH Management Plan.**