

UNICEF The Netherlands

**CHILD PROTECTION AND DEVELOPMENT PROJECT**

P172582

**LABOR MANAGEMENT PROCEDURES (LMP)**

Updated

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**unicef**   

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**for every child**

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## 1. OVERVIEW OF LABOR USE ON THE PROJECT

The project will be implemented and managed by staff employed by UNICEF the Netherlands as well as by consultants recruited by UNICEF the Netherlands. Part of the staff is based in the office of UNICEF the Netherlands in the Hague and part is based on St. Maarten. The work carried out by staff and consultants, the “direct workers” as per ESS2, is largely desk based (providing advice and technical assistance) or consists of the organization of trainings or other types of meetings. The table below provides an overview of staff and consultants working on the project. Occasionally, local NGOs or firms will be contracted to implement activities. These activities will also largely be desk based or involving the organization of trainings or other types of meetings. Under ESS2 the workers from these NGOs or firms are classified as “contracted workers”.

No community workers or primary supply workers will be hired or used under this project.

Overview of staff and consultants									
Project management				2020	2021	2022	2023	2024	
#	Role	Type	Location						Q1
4	Director of Programmes	Staff	TH	4h/week	4h/week	4h/week	4h/week	4h/week	4h/week
4	Project Manager	Staff	TH	24h/week	24h/week	24h/week	24h/week	24h/week	24h/week
4	Team coordinator SXM	International Staff	SXM	18h/week	18h/week	18h/week	18h/week	18h/week	36h/week
4	HR specialist	Staff	TH	4h/week	4h/week	4h/week	4h/week	4h/week	4h/week
4	HR Officer	Staff	TH	8h/week	8h/week	8h/week	8h/week	8h/week	8h/week
4	Finance and control officer	Staff	TH	16h/week	16h/week	16h/week	16h/week	16h/week	16h/week
4	Accountant	Staff	TH	8h/week	8h/week	8h/week	8h/week	8h/week	8h/week
4	Communication Specialist	Staff	TH	4h/ week	4h/week	4h/week	4h/week	4h/week	4h/week
Programme implementation: technical assistance and capacity building									
1.1	Mental Health & Psychosocial support in emergencies specialist	International consultant	SXM	X					
1.2.	Program specialist Parenting and social cohesion	National staff	SXM		X	X	X		
1-3	Junior Program Officer	National staff	SXM	X	X	X	X		
1.2. - 2	Early Childhood Development specialist	International consultant	SXM	X					
1.2.	Baseline Survey Consultant	Consultant			X	X			X
1.2.	Specialist Communication for Development	Consultant	SXM	PPG		X			
1.2.	Adolescent specialist	National staff	SXM	X	X	X			
1.2. - 2	Communication content specialist	National consultant		X	X	X	X		
1.2. - 2	Communication design specialist	International consultant	SXM		X	X	X		
1.2.	Translator English to Spanish	International consultant	tbd		X	X			
1.2.	Translator English to Haitian Creole	International consultant	tbd		X	X			
2	Child protection specialist	International staff	SXM		X	X	X		
2	Child Rights Advocate	International staff	SXM	X	X	X	X		
1.1 -2	Child Rights Researcher	International consultant	SXM	PPG	X				
2	Child protection information management specialist	International consultant			X	X	X		

2	Master trainer Child Safeguarding	International consultant			X			
2	Child protection in emergencies consultant	International consultant	SXM		X	X	X	
3	School safety specialist	International consultant	SXM	X	X	X	X	
4	Evaluation specialist	International consultant	SXM					X

## 2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The main project activities include:

- Providing advice and technical assistance to the government
- Organising workshops for government stakeholders and professionals
- Organising educational campaigns (communication for development)

The main labour risk is related to the occurrence of natural disasters, such as hurricanes or earth-quakes, and the risk associated with the COVID-19 pandemic. An emergency response plan is in place to address the natural disaster risk (see appendix 1). The Sint Maarten office and the office in the Hague have put in place procedures for safe reopening and operating, these are described in section 8 below. The risk of gender based violence is low. In case of issues related to discrimination or sexual harassment, these can be addressed through the Labor Grievance Reporting Mechanism which is described in chapter 9.

## 3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

UNICEF the Netherlands follows the national labor legislation which has been defined by the Dutch authorities. The most important rules are set out in the Dutch Civil Code, which describes what an employment contract entails and which rules apply to employers and employees including project workers. The Dutch Civil Code includes amongst others the prohibition of child labor, prohibition of discrimination and it set outs the standards for employment conditions such as income, working hours and annual leave. The key aspects of the Dutch labor legislation are described in UNICEF the Netherlands' employment conditions scheme. This scheme sets out the terms and conditions for working for UNICEF the Netherlands and is applicable to all staff.

The project workers who will be seen as International staff will receive an employment contract with UNICEF the Netherlands. In addition, these project workers will receive an assignment letter for the period of time that they are working on Sint Maarten as they will be seen as expats. For these project workers, the Dutch employment law will be applicable.

However, Sint Maarten labor laws will apply to workers based in Sint Maarten. These are legally local consultants, or local staff governed by Sint Maarten laws.

Furthermore, UNICEF the Netherlands has the International Mobility guidelines (Annex 4), for staff and consultants who work outside of the Netherlands which includes the terms and conditions.. All staff working for UNICEF the Netherlands including consultants are also required to sign a code of conduct (see

appendix 3) as well as to provide to UNICEF a certificate of conduct which is issued by the government of their country of residence.

UNICEF the Netherlands' employment conditions scheme includes employment standards such as working hours and breaks, income, annual leave, care leave including parental leave, absenteeism, pension and collective insurances.

The project workers who will be hired locally, will also receive an employment contract with UNICEF the Netherlands. For these project workers, as mentioned earlier, the Sint Maarten law will be applicable. Consultants will receive a Contract for Services with UNICEF the Netherlands. There are three characteristic differences between a contract for services and an employment contract, namely:

1.

Employment contract	Contract for Services
There is always a relationship of authority between employer and employee	There is no relationship of authority. The client gives an assignment to the contractor and they agree on a specific final goal.
There is an obligation for the hired employee to do the work him or her - self. An individual is hired to fulfil a position and he/she must fulfil this personally.	There is no obligation to do the work personally.
Employee receives on a monthly basis his/her salary payment	Payment is done based on an invoice and only the worked hours will be paid.

#### 4. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

European directives have set minimum rules and principles, such as the principle of prevention and risk assessment, as well as the responsibilities of employers and employees which all employers in the Netherlands need to adhere to. The rights and obligations in the Netherlands are regulated in the Working Conditions Act (Working Conditions Act). All employers in the Netherlands need to have a Risk Inventory and Evaluation report. The presence of an up-to-date Risk Inventory and Evaluation (RI&E) and accompanying action plan is a legal obligation for all companies and institutions. This report contains information regarding the working conditions policy, safety, health and psychosocial workload.

## 5. RESPONSIBLE STAFF

The project manager based in The Hague is responsible for managing the St. Maarten based staff and consultants. The project manager decides on the deliverables and tasks of staff and consultants. Staff and consultants are accountable to the project manager.

The project manager delegates the monitoring of the delivery of day to day activities to the team coordinator based on St. Maarten. The team coordinator and St. Maarten based staff and consultants will resolve any issues related to the delivery of day to day activities. If there are issues with the delivery of day to day activities to such an extent that this impacts the agreed deliverables or timetables, this will be addressed to the project manager. In such cases the project manager may decide to change direction and agreed deliverables.

The team coordinator based on St. Maarten is responsible for the onboarding of new staff and consultants based on St. Maarten. It is not expected that new staff or consultants will require professional training.

Section 9 describes the procedure for labour grievances.

## 6. POLICIES AND PROCEDURES

The emergency preparedness plan is attached in annex 1.

In the context of Covid-19, UNICEF the Netherlands has put in place workplace procedures for the office in The Hague, to ensure we act in line with government policies on Covid-19. The procedures are communicated on the organisation's intranet as well as during the organisation's weekly staff wide Tuesday Morning meetings.

For the office on St. Maarten, a Covid-19 Health and Safety Plan is in place, as requested by the Government of St. Maarten (see annex 2). This plan reflects the Covid-19 health and safety guidelines for workplaces issued on May 15 by the Government of St. Maarten. The safety plan is also guided by the government's 'Guidelines for Preparation of Covid-19 health and safety plans for the business community of St. Maarten', issued on May 16 2020.

## 7. AGE OF EMPLOYMENT

The minimum age for employment on the project is 18 years old. To verify the age of the project worker, the project worker will need to show their passport or identity card to either the HR Advisor or the Team Coordinator Sint Maarten. As all project workers will have an employment contract with UNICEF The Netherlands and on Sint Maarten there will be direct supervision from the Team Coordinator Sint Maarten, the risk of underage workers is minimal.

## 8. TERMS AND CONDITIONS

UNICEF The Netherlands has wage scales which is applicable for all staff working for UNICEF the Netherlands including project workers which have an employment contract with UNICEF the Netherlands. Each position falls under a certain scale (schaal) and depending on someone's qualifications the level (trede) will be determined. The staff working on the project will have a contract between 32 and 38 hours per week. 38 hours per week is fulltime for UNICEF the Netherlands and 38 hours is the maximum number of hours that can be worked on the project.

There are no separate agreements which apply to the project. The UNICEF the Netherlands employment condition scheme and UNICEF the Netherlands' International Mobility Guidelines are applicable for the project workers who have an employment contract with UNICEF the Netherlands, that is they are staff of UNICEF the Netherlands. The UNICEF the Netherlands employment condition scheme is not applicable for consultants, only the International Mobility Guidelines is applicable.. Please see the guidelines attached as Annex 4 which provides details on various aspects of worker compensation, such as pay, travel, accommodation, and other conditions of employment such as leave allowances and sick pay

## 9. LABOR GRIEVANCE MECHANISM

The labor grievance mechanism is available to both direct workers and contracted workers.

The labour grievance mechanism at UNICEF the Netherlands operates as a two tiered system. One system for typical HR complaints or issues typically related to contracts, worker pay, overtime, illness, time off, etc. The other avenue is reserved for misconduct and managed through UNICEF's the Netherlands Complaint Commission. Misconduct is determined based upon a violation of UNICEF's the Netherlands Code of Conduct.

### HR Related Complaints:

The contact details which staff can use to file a HR complaint are to the respective line manager, or to the HR advisor at UNICEF The Netherlands.

HR-related complaints are handled by supervisor and HR, and corrective action is taken in cooperation with the staff member and his/her supervisor. If UNICEF The Netherlands finds the complaint not substantiated, the staff member is informed, and the decision not to act on the complaint would be based on conditions in the contract and/or TOR of the staff member or consultant – as well as also possibly based on terms and conditions in the UNICEF "Arbeidsvoorwaarden" (the equivalent of a collective labor agreement).

If the labour complaint is related to integrity (unethical behavior like harrasment, discrimination), the staff member or consultant can also choose to consult the “vertrouwenspersoon” – a UNICEF Netherlands appointed focal point.

### Code of Conduct complaints:

The Code of Conduct is drawn up as a document that each employee and consultant signs. It is the frame of reference for all direct workers. The Code of Conduct and information on the compliance and enforcement mechanism (integrity policy) is part of the introduction program of each staff member and can be found on the intranet portal of UNICEF the Netherlands and its website. The Code of Conduct is annexed as annex 3. The integrity policy (in Dutch) can be found at: <https://www.unicef.nl/files/unicef-nederland-integriteitsbeleid-2022.pdf>.

If staff members or other workers in the project feel aggrieved by any actions related to the project (working or salary conditions) or the behavior of its workers (such as matters of misconduct, or harassment including gender-based violence between workers), they are encouraged to discuss this first with their project manager that is also based at UNICEF the Netherlands in The Hague. The project manager works closely with the local Sint Maarten team and is involved in day to day operational tasks.

If staff members do not feel comfortable speaking with their manager or if the complaint relates to their manager, the staff member can report this through the secure and confidential reporting system at the Integrity Commission. This commission decides within one day whether to investigate the reported issue or not. A designated person in the commission will keep communication with the complainant. The investigation process includes hearing all relevant party’s statements or complaints within one month. During the investigation period the Director of the Commission is entitled to take provisional measures (such as temporary suspension). Within two months after the issue has been submitted, the commission will present a final report to the Director. This final report contains a statement on the following points:

- whether and if so to what extent the submitted issue is plausible;
- who was / are affected by the issue;
- how the investigation was conducted;
- what the findings and conclusions are;
- advice to the Director regarding the measures to be taken.

Within two weeks after receipt of the final report the Director decides about measures to be taken.

As mentioned in an earlier section, UNICEF The Netherlands also has an agreement with an external body that the staff member can contact in case the staff member is unhappy with the internal processes that have taken place. The entity is called “Meldpunt GIMD (“GIMD Hotline”) and can also be contacted by whistle-blowers, regardless of whether or not they have been through internal processes as described above. More info can be found here:

<https://www.gimd.nl>



This hotline is an independent committee that can be engaged by employees in the event of a complaint in pertaining to harassment. The members of the GIMD Hotline have extensive experience as confidential advisers and complaints handlers. Furthermore it is the preferred partner of the Dutch Charity Branch organization. The contact details for filing complaints are below:

E-mail: [meldpuntgoededoelen@gimd.nl](mailto:meldpuntgoededoelen@gimd.nl)

Telephone:  
088-8008524