



Sint Maarten Emergency Recovery Project I ERP 1

Environmental and Social Management Framework

National Recovery Program Bureau

Date: October 9th, 2024

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Abbreviations and Acronyms

ANG	Netherlands Antillean Guilder
C-ESMP	Contractor's Environmental and Social Management Plan
C-EHS MSIP	Contractor-s Environment, Health and Safety- Management Strategies and Implementation Plan
EIA	Environmental Impact Assessment
EHSGs	Environmental Health and Safety Guidelines
EOC	Emergency Operations Center
ERP1	Emergency Recovery Project 1
ESF	Environmental and Social Framework
ESHS	Environmental Social Health and Safety
ESAP	Environmental and Social Action Plan
ESMF	Environmental and Social Management Framework
GDP	Gross Domestic Product
GIIP	Good International Industry Practice
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GoSM	The Government of Sint Maarten
HIV/AIDS	Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome
ILO	International Labour Organization
IPF MSIP	Investment Project Financing Management Strategies and Implementation Plans
NRRP	National Recovery and Resilience Plan
O&M	Operation and Maintenance
OHS	Occupational Health and Safety
O&M	Operation and Maintenance
PAP	Project Affected People
PIU	Project Implementation Unit

SDTF	Single Donor Trust Fund
VROMI	Ministry of Public Housing, Spatial Planning, Environment and Infrastructure
USEPA	United States Environmental Protection Agency

Introduction

On September 6, 2017, Hurricane Irma, a Category 5 hurricane, hit the island of Sint Maarten with winds of more than 185 mph (296km/h) leaving a trail of extensive and widespread devastation throughout the country. To respond to the emergency and recovery needs of Sint Maarten, the Government of the Netherlands established a Single Donor Trust Fund (SDTF) of EUR 470 million managed by the World Bank to support the rapid and sustainable recovery of Sint Maarten.

On June 12, 2018, the Steering Committee of the SDTF approved the Sint Maarten Emergency Recovery Project I (ERP I). The Project will address urgent needs resulting from the devastating damages and losses to productive and social sectors, caused by the landfall of Hurricane Irma. The proposed activities of the ERP I represent a diverse and urgent subset of recovery activities, that are reflected in the National Recovery and Resilience Plan (NRRP), aimed to help restore the country to normality as well as establish a basic level of preparedness to improve hurricane readiness.

The ERP I is being prepared and implemented according to Paragraph 12 of the World Bank's Operational Policy on Investment Project Financing (IPF), which allows the deferral of safeguards requirements, if the Bank deems the recipient to be in urgent need of assistance because of a disaster or conflict. The deferral of environmental and social requirements was approved for this Project and the Bank has prepared, an Environmental and Social Action Plan (ESAP) in accordance with its policies. The ESAP is a project-level safeguards planning document that provides a time-bound plan setting forth the steps and sequential planning of project activities and the preparation of the relevant environmental and social safeguards instruments by the Government of Sint Maarten, to ensure compliance with the safeguards requirements. The ESAP is guided by the dual objective of ensuring that there is a roadmap for safeguards compliance during project implementation and providing clear guidance to the client on the types of actions and instruments required to facilitate speedy implementation of emergency service.

The ESAP includes an Environmental and Social Management Framework (ESMF) and where relevant, Abbreviated Resettlement Action Plans (ARAP) and Hazard/Risk Assessments to be prepared for all identified project activities and are expected to be completed and made public ahead of the start of the works.

The ESMF consists of the set of mitigation, monitoring, and institutional measures to be taken during implementation and operation to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. The plan also includes the actions needed to implement these measures. Works will not commence prior to the completion and approval of the ESMF and when required the ARAP.

In addition, if project activities should result in temporary involuntary relocation a Temporary Resettlement Plan will be prepared as per the Guidelines provided in Annex 5. All these safeguards documents need to be consulted upon and disclosed prior to the start of works.

This ESMF is an updated¹ version of the Emergency Management Plan that was first approved on December 17, 2018. This updated version presents detailed guidance for preparing the site-specific Environmental and Social Management Plans and ARAPs if required, and standard environmental and social mitigation risks that can be adopted for the implementation of the scope of works to be financed in the ERP I.

This ESMF consists of the following sections:

Section 1: Project Description. This section summarizes the scope of activities to be carried out under each project component.

Section 2: Project Environmental Baseline. This section describes the existing environmental conditions of the project area.

Section 3: Screening of Environmental and Social Impacts and Risks: This section describes the potential environmental and social impacts and risks associated with the Project activities and the environmental and social safeguards instruments applicable for each component.

Section 4: Environmental, Social, Health, and Safety Mitigation Measures. This section presents environmental and social mitigation measures for project activities with minor, moderate or major works.

Section 5: Project Institutional Framework. This section describes the Project institutional arrangements for managing the environmental and social safeguards instruments, and capacity building measures to strengthen the environmental and social management capacity of the NRPB.

Section 6: Stakeholder Consultations Framework. This section provides guidance for carrying out consultations during the preparation of ESMPs for various works in the Project.

1. Project Description

1.1. Background of the Project

According to World Bank estimates, the damages and losses related to Hurricane Irma totaled US\$ 2.8 billion. 90 percent of all infrastructure and large parts of the natural environment on the island were estimated to have been damaged.

Since the Hurricane hit, Sint Maarten has made substantial efforts to address the most urgent needs (e.g. initial debris removal, sheltering roofless populations, resumption of government and business services). Nevertheless, reconstruction and recovery needs are greater than currently identified public and private resources.

1.2. The ERP I

The Government of Sint Maarten (GoSM) has prepared a National Recovery and Resilience Plan (NRRP) outlining the recovery needs across the economy, the community and the Government infrastructure and service delivery of the country. The ERP I was approved on June 12, 2018, as one of the Sint Maarten Recovery Trust Fund projects.

¹. The first version of the EMP prepared for the Project is available at <http://documents.worldbank.org/curated/en/347951549363987641/pdf/ESMP-ERP1-final.pdf>

The Project Development Objective of the ERP I is to contribute to such immediate emergency recovery needs and strengthen institutional capacity to manage resilient recovery and reconstruction. The Project will also support the objectives of the NRRP, to restore economic, community and governance infrastructure and service delivery. The activities of this project represent a diverse and urgent subset of recovery interventions that aim to (i) reestablish and improve first responders' operational capacity and repair disaster preparedness facilities; (ii) restore full utility services after Hurricane Irma; (iii) repair housing and repair and reconstruct public buildings; and (iv) establish efficient project management and implementation capacity in the government to carry out the implementation of identified priority interventions according to agreed standards for fiduciary, environmental and social management.

The Project has four main components, detailed description of components and activities can be found in the Project Appraisal Document (PAD), available at

<http://projects.worldbank.org/P167339/?lang=en&tab=overview> and at the NRPB's website https://nrpbxm.org/wp-content/uploads/2019/07/ERP1_Project-Appraisal-Document.pdf.

The following is a summary of each component:

1.2.1. Component 1. Emergency Measures for the Recovery of Disaster First Responders and Preparedness Facilities

Hurricane Irma left significant damage to the national emergency response and management capacity. Activities of component 1 have been prepared to support improvements to the national emergency early warning, response and disaster preparedness system.

1.2.1.1. Sub-component 1-1. Critical Disaster Preparedness and Response Infrastructure Repairs and Improvements

Emergency Operations Center Repair and Expansion

The national fire and ambulance station, which is also the designated Emergency Operations Center (EOC), sustained significant damage due to Hurricane Irma. Activities of this sub-component will repair damages to the automatic bay door system for fire and ambulance vehicles, damage to interior doors, windows, interior ceilings and other elements of the complex, etc.

In addition, current designs of the fire and ambulance station will be modified to accommodate, for instance, an additional maintenance bay, secure storage for command and maintenance vehicles and other features identified by the Fire Department. The project will, therefore, revise the designs and expand the current EOC building, to expand it to its original capacity. Fiber optic cable and access points will also be installed.

Police Station Repairs

The damages caused by the Hurricane Irma to the head office at Philipsburg and a substation at Simpson Bay will be repaired.

Emergency Shelters Repairs

Designated shelters are in urgent need of equipment and repairs to permit their use during the hurricane season. Repairs to shelters will be made to ensure they can continue to function as shelter space. Also, shelters will be provided with water storage facilities, generators where needed, and replacement of food handling equipment where food service is provided.

Reestablishing the Operational Capacity of the National Meteorological Services to Support Disaster Risk Management

The offices of the national meteorological services will be replaced with a new building designed to restore operations and to permit continuous operations during extreme storm events. A new weather station will be installed to replace the damaged unit. The design of the building will be funded under ERP-1.

1.2.1.2. Sub-component 1-2. First Responders' Emergency Equipment

Vehicles and equipment will be purchased to support fire and ambulance services and to improve response and operational readiness. The national warning and alert system will also be improved. Damaged vehicles will be replaced, and three fire trucks and four ambulances will be purchased under this sub-component. Damaged equipment will be repaired, and satellite phones will be purchased to improve emergency communications. The offices of the national meteorological services suffered significant damages and are to be replaced with a new building designed to restore MDS operations and permit continuous operations during extreme storm events.

1.2.1.3. Sub-component 1-3. Training and Institutional Strengthening

Training and technical assistance will be conducted under this program and will include incident command, shelter management training, specialized training of emergency medical responders, assistance with the establishment of community-based emergency management committees, etc. Workshops and training, particularly for government officials, will be provided to promote a greater understanding of the national disaster response plan and its implementation.

1.2.2. Component 2. Restoring and Increasing Resilience and Water and Electricity Infrastructure

Activities of component 2 are linked to the priority activities identified in the National Recovery and Resilience Plan (NRRP), which will strengthen water and electricity systems and improve their performance in future disasters. These include: (i) the retroactive financing of eligible restoration and reconstruction activities under the WB guidelines and operational principles; (ii) goods and services ready to be purchased for emergency-related activities to restore water and electricity services; and (iii) investments that can help increase resilience to future hurricanes.

1.2.2.1. Sub-component 2-1. Restoring Electricity Services

Electrical services will be restored, and their performance in future disasters, financing goods, services and works will be improved under this sub-component. Activities include the objectives to (i) accelerate the trenching program to move remaining utilities underground; (ii) repair and upgrade transformers including transformer station houses; (iii) replace and repair street lighting; (iv) repair and replace current electrical meters damaged by Hurricane Irma; and (v) repair, update, expand, construct and increase the resilience of the utility's substations to improve power system performance in situations of disturbance.

1.2.2.2. Sub-component 2-2. Increasing Resilience of the Water System

This sub-component includes the provision of the utility to strengthen the water system's resilience to hurricanes and other climate shocks. Necessary investments will be made to increase its water storage capacity from 0.7 to 2 days. Activities will aim to (i) repair, upgrade, and increase water storage capacity; (ii) repair and replace pump units including pump houses, and (iii) replace and/or improve the resilience of installed micrometers.

1.2.2.3. Sub-component 2-3. Updating GEBE Business Plan

This sub-component includes the provision of utility with the technical assistance required to improve Sint Maarten's Water and Electricity Utility's (Gemeenschappelijk Elektriciteitsbedrijf Bovenwindse Eilanden; GEBE) performance and accountability to the users. Activities in this component include: (i) provision of institutional support; (ii) revision of the planning mechanisms; (iii) provision of technical assistance on the

financial, operational, and commercial management; (iv) updating of GEBE's business plan, and (v) feasibility studies and technical designs of key identified investments to be supported.

1.2.3. Component 3. Housing and Public Buildings Repairs and Reconstruction

This component includes activities to repair the extensive and widespread damages to public and private infrastructure resulting from the passage of Irma. Activities include a government-sponsored home repairs program as well as the repairs of damaged public buildings.

1.2.3.1. Sub-component 3-1. Home Repair Program

In the aftermath of Hurricane Irma, the Government of Sint Maarten established a home repair program designed to assist persons unable to provide enough resources to conduct their own home repairs. The program targets repair of the homes of the most vulnerable households. It includes an application process and formal screening procedure to qualify eligible recipients, against a set of administrative, socio-economic and technical criteria in 3 phases.

1.2.3.2. Sub-component 3-2. Emergency Support to Sint Maarten Housing Development Foundation

The Sint Maarten Housing Development Foundation (SMHDF), the main social housing agency, requires financial support to repair severely damaged housing stock used by low-income families. This subcomponent will support the SMHDF to repair its damaged housing stock urgently mainly in the Belvedere housing complex and help in the re-design of a proposed social housing complex.

1.2.3.3. Sub-component 3-3. Public Building Repairs

This subcomponent includes the repair of public buildings and temporary reconstruction works and temporary relocation of selected priority buildings if required. The main activities include the repairs of schools. Repair works include roofs, electrical works, mold removal, fencing, windows, doors and shutters. Associated costs for temporary relocation of staff and related services from a few public buildings will be covered under this sub-component.

1.2.4. Component 4. Support for the Recovery Institutional Arrangements

This component supports the institutional arrangements made by the Government to manage the Trust Fund and implement and coordinate the recovery projects to be financed there under. It supports the operational and administrative costs of the institutions in charge of the Trust Fund and the projects. It also includes a capacity building and a sustainable framework to ensure that the accumulated experience also benefits the Government in the long run and after such institutional arrangements are discontinued.

1.2.4.1. Sub-component 4-1. Support to the Interim Recovery Committee

An Interim Recovery Committee was set up and was made up of a task group within the Ministry of General Affairs coordinating the early priority projects, and assisting the ministries with the implementation of projects, with regards to the fiduciary and safeguards requirements. This sub-component supported interim operational costs incurred by the IRC while the NRPB was being established.

1.2.4.2. Sub-component 4-2. Support to the National Recovery Program Bureau

The National Recovery Program Bureau (NRPB) was established and is responsible for the preparation, coordination, execution and evaluation of the projects in close coordination with the Ministries. NRPB also manages the World Bank Trust Fund and implements the projects financed under the recovery program. The Bureau was established as an independent administrative agency (in Dutch: a 'Zelfstandig Bestuursorgaan' - CoM approval on 15 February 2018) under a national ordinance.

This sub-component will support the NRPB costs of fulfilling its mandate and responsibilities management of the NRPB, including: (i) the costs of the staff as per the Staffing Plan (e.g. Director, Senior Program Managers, Project Managers, specialists in financial management, procurement, and monitoring and evaluation; technical temporary staff needed during the Program implementation; (iii) the carrying out of Project audits; (iv) the financing of the necessary goods and equipment; (v) lease of office premises; (vi) trips and transportation; and (vii) communication and reporting.

1.2.4.3. Sub-component 4-3. Emergency Financial Protection Measures

This component would enable Sint Maarten to access sovereign catastrophe risk insurance offered by CCRIF SPC. The Caribbean Catastrophic Risk Insurance Facility (CCRIF) which will provide payouts within 14 days in case of an eligible catastrophic event, improving the country's resilience. The project would finance the participation fee to join CCRIF SPC and 100% of the insurance premiums for two years. As a new member country, Sint Maarten would have the choice of selecting the amount of insurance coverage per peril (earthquake, excess rainfall and tropical cyclone), depending on country risk profile and priority needs.

1.3. Cost of the Project and Implementation Schedule

Cost of each component has been allocated as shown in Table 1-1.

Table 1.1. Summary Cost and Financing Table

Component	USD\$ (Million)	Source
Total - Component 1. Emergency Measures for the Recovery of Disaster First Responders and Preparedness Facilities	16.45	<i>Trust Fund</i>
<i>1.1 Critical Disaster Management and First Responders' Infrastructure Repairs and Improvements</i>	8.28	
<i>1.2 First Responders' Emergency Equipment and Priority Vehicles</i>	8.10	
<i>1.3 Training and Institutional Strengthening</i>	0.07	
Total - Component 2. Restore Public Utility Services after Hurricane Irma	11.6	<i>Trust Fund</i>
<i>2.1 Restoring Electricity Services</i>	9.6	
<i>2.2 Restoring and Increasing Water Storage Capacity</i>	1.4	
<i>2.3 Updating GEBE Business Plan</i>	0.6	
Total - Component 3. Housing and Public Buildings Repair and Reconstruction	39.15	<i>Trust Fund</i>
<i>3.1 Home Repair Program</i>	15.40	
<i>3.2 Emergency Support to Sint Maarten Housing Development Foundation</i>	6.90	
<i>3.3 Public Buildings Recovery</i>	16.85	

Total - Component 4. Support to the Recovery Institutional Arrangements	33.00	<i>Trust Fund</i>
<i>4.1 Support to the Interim Recovery Bureau</i>	0	
<i>4.2 Support to the National Recovery Program Bureau</i>	17	
<i>4.3 Sovereign Parametric Financial Protection Measures</i>	5.00	
<i>4.4 Project Design and Technical Expertise (technical/social design/supervision/audits/ safeguards)</i>	11.00	
Project Total	100.20	

2. Project Environmental Baseline

2.1 Physiography

Sint Maarten is an island country in the Leeward Islands of the Caribbean. It is a constituent country of the Kingdom of the Netherlands. It encompasses the southern 40% of the Caribbean island of Saint Martin, while the northern 60% of the island constitutes the French overseas territory of Saint Martin. Sint Maarten is centered on 18° 01'N Latitude and 63° 05' W Longitude. The island hinges between the Lesser and the Greater Antilles and lies between the Atlantic Ocean and the Caribbean Sea. Neighboring islands include Saba, St. Eustatius, Anguilla, St. Kitts and Nevis and St. Barthélemy. The total land area of the entire island is 90 km² (15km long and 13 km wide at its widest point). The island features a series of jagged ranges of hills from north to south culminating at Pic Paradis, 424 m the highest point, on the French side of the island. The coastline is a series of beaches, coastal lagoons, rocky areas and salt and fresh water (brackish) ponds, and the interior is characterized by many valleys.

2.2 Climate

The climate of Sint Maarten is tropical with hot and sunny weather all year around. Daily average temperature ranges from 25 degrees Celsius (°C) in the period from January to March, to 28 °C between June and October. The night temperature rarely drops below 20 °C, while sometimes it can reach 35/37 °C during the day, from June to November. Average monthly weather data of Sint Maarten is given in Table 2-1.

Average annual rainfall is 1045 mm. In the period from June to November (but mostly from August to October), Sint Maarten can be hit by tropical depressions and hurricanes, as happens in general in the Caribbean.

Table 2.1: Average Monthly Weather Data of Sint Maarten

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Temperature, Min (°C)	22	22	23	23	24	25	25	25	26	25	24	23
Temperature, Max (°C)	28	27	28	28	29	30	30	31	31	30	29	28
Rainfall, (mm)	75	50	45	80	100	70	85	115	120	100	115	90

2.3. Natural Hazards

Sint Maarten is highly vulnerable to natural disasters and adverse climatic events due to its location within the Atlantic hurricane zone. Over the past decades, the country has on a number of occasions been exposed to tropical storm force winds and numerous hurricanes, including notably intense storms: Donna in 1960 (Category 3), Hugo in 1989, Luis in 1995 (Category 4), and Irma 2017 (Category 5 on Saffir-Simpson scale). Due to the size of the country, a single storm has the potential to impact the entire population directly. High winds, rainfall and flooding, are the principal risk factors while the country is also vulnerable to earthquakes. Coastal areas are exposed to flood risk from storm surge and tsunamis. Increased urbanization along with climate change and limited country capacity to build with resilience adds to its vulnerability to natural hazards.

2.4. Biological Environment

The major part of Sint Maarten is covered with secondary vegetation derived from either seasonal formations or dry evergreen formations. Only on the top of the hills, some more or less original semi-evergreen seasonal forest is found. This type of forest has regionally become extremely rare too. Because of its small area, this forest formation is very vulnerable. On the higher hills of the two ridges in the middle part of the island, and the hills of the eastern ridge, dense secondary woodland vegetation is growing, preventing erosion and with a high scenic value. Along the coast and inland waterways there are remains of mangrove forests and other types of coastal vegetation survive, which are of high ecological, aesthetic and recreational value

The fauna of St. Maarten is limited in species, not only because of St. Maarten's small size, but also because of habitat destruction, hunting and imported predators. Like the other Lesser Antilles, Saint Martin was never connected to a continent. Subsequently, it has a relatively low diversity of native fauna, particularly those that cannot fly. During the colonial period most native habitats were destroyed for agriculture, including deforestation of the interior and the draining of mangrove wetlands. It is presumed that at least most of the current forests are secondary growth. The introduction of nonnative animals, both accidental (rats, mice) and deliberate (livestock, mongoose) has also been implicated in the destruction of habitat and the extinction of native species. More recently, development for tourism has resulted in further habitat destruction and degradation of habitats such as the lagoon and the numerous salt ponds on the island.

There are a variety of habitats on the island. Without peaks high enough to support a cloud forest, the highlands are primarily tropical deciduous forest, where many trees lose leaves during the dry season. Dry scrubland also makes up a good deal of the interior of the island, particularly in areas that are used as pasture for goats or cattle. There are numerous salt ponds on the island, and most are ringed with mangrove wetlands. While there are dry gulches that may fill temporarily after strong rains, there are no permanent rivers. Beaches and rocky shorelines ring the island, and in areas that are not developed, littoral (seaside) forest or scrub can be found. There is a large, enclosed lagoon in the southwest part of the island. In the seas surrounding the island, a mix of sand, seagrass beds and coral reefs can be found. ²

2.5. Demography and Socio-economy

Sint Maarten is the most densely populated country in the Caribbean with a population of more than 40,000 in an area of 34 square km and a per capita Gross Domestic Product (GDP) of U\$25,381. English is

widely spoken but Dutch is the official language of the country. There is immigration from all over the world.

Tourism and the tourism-related industry is the major source of employment in the country. Only about 10 % of the land is suitable for domestic agricultural production, and over 90% of food products are imported. Literacy rate in people over the age of 14 is 95.8%.

Hurricane Irma has severely damaged the economy of the country. Sint Maarten's low unemployment rate (6.2 percent) and youth unemployment rate (23.8 percent) in 2017 have significantly risen following the hurricane due to the shutting down of tourism businesses. The tourism sector suffered from significant damages to the airport, accommodations, and tour operator equipment, dramatically reducing the number of tourist arrivals. Micro, small, and medium-sized enterprises have experienced a significant loss of capital due to the impacts of the hurricane.

2.6. Current Conditions of Affected People

Census and socioeconomic survey of project affected people are being carried out to determine the specific current conditions of beneficiaries of the project. The information currently available specifically to the Home repair project highlights that the majority of the beneficiaries of the projects are elderly and have limited means for repairing the damage caused by hurricane Irma.

^{2 a} Source: The Incomplete guide to the Wildlife of Saint Martin

3. Screening of Potential Risks and Impacts of the Project

3.1 Applicable World Bank Environmental and Social Safeguards Policies to the Project

Applicable World Bank operational policies (OP) for the proposed investments under the Project are given in Table 3-1.

Table 3.1: Applicable World Bank Policies for the Project

<i>Project Components and Activities with Potential Negative Environment and Social Risks Impacts</i>	<i>Indicative Activities and Environment and Social Policies Triggered</i>
Component 1. Emergency Measures for the Recovery of Disaster First Responders and Preparedness Facilities (USD 14.75 million)	
<i>Sub-component 1.1. Critical Disasters First Responder Infrastructure Repairs and Improvements (USD 5.90 million)</i> This subcomponent will support improvements to the national emergency response and disaster preparedness system. It includes repair of critical public facilities and repair and purchase of equipment at four national agencies (namely the police, the fire service, the ambulance service and the meteorological service), and repairs of designated emergency shelters and schools.	OP 4.01. Repairs and upgrades on same sites. OP 4.12. Possible economic displacement in cases of involuntary resettlement of businesses.

<i>Project Components and Activities with Potential Negative Environment and Social Risks Impacts</i>	<i>Indicative Activities and Environment and Social Policies Triggered</i>
<p><i>Sub-component 1.2. First Responders' Emergency Equipment (USD 8.10 million)</i></p> <p>The sub-component will purchase vehicles (including fire trucks, ambulances, support vehicles, and an evacuation bus) and related equipment, and repairs to damaged equipment. Additionally, communication equipment, including satellite phones, to improve the Recipient's emergency communications network is foreseen. Apart from supporting emergency services, priority vehicles will be provided to TEATT, and replacement support vehicles will be purchased for VSA and VROMI.</p>	None
<p><i>Sub-component 1.3. Training and Institutional Strengthening (USD 750,000)</i></p> <p>Training and technical assistance will be conducted under this program, which will include incident command, shelter management training, specialized training of emergency medical responders, assistance with the establishment of community-based emergency management committees – with active participation of women – and other activities to be determined. Also included is a provision for conducting workshops and training, for government officials, as well as other relevant stakeholders (e.g. civil society) as needed, to promote a greater understanding of the national disaster response plan and its implementation.</p>	None
Component 2: Restore and Increase Resilience of Utilities Services after Hurricane Irma (USD 11.60 million).	
<p><i>Sub-component 2.1. Restoring Electricity Services (USD 3.10 million)</i></p> <p>Through this subcomponent the Project will restore electrical services and improve their performance in future disaster events, financing goods, services and works, including retroactive financing to, inter alia: (i) accelerate the trenching program to move remaining utilities underground; (ii) upgrade and construct resilient sub-stations; (iii) repair and upgrade transformers including transformer station houses; (iv) replace and repair street lighting; (v) repair and replace current electrical meters damaged by Hurricane Irma; and (vi) update, expand and increase resilience of the utility's substations to improve the power system performance under diverse disturbance situations.</p>	<p>OP 4.01. Repairs and upgrades on same sites.</p> <p>OP 4.12. Possible limited land use for underground cables and/or economic displacement due to disruption of business activities.</p>
<p><i>Sub-component 2.2. Increasing Resilience of the Water System (USD 7.90 million)</i></p> <p>This Subcomponent provides the utility with the necessary investments to increase its water storage capacity to between 2 and 4 days, strengthening the water system's resilience to hurricane and other climate shocks. It will finance goods, services and works, including retroactive financing to, inter alia: (i) repair, upgrade, and increase water storage capacity; (ii) repair and replace pump units including pump houses; and (iii) replace and/or improve resilience of installed micrometers. This component will be executed under the technical oversight of GEBE, but all the fiduciary processes will be carried out by the IRC (and NRPB afterwards).</p>	<p>OP 4.01. ESMF will provide for any interruption for economic activity, if it arises.</p>

<i>Project Components and Activities with Potential Negative Environment and Social Risks Impacts</i>	<i>Indicative Activities and Environment and Social Policies Triggered</i>
<p><i>Sub-component 2.3. Updating GEBE Business Plan (USD 0.60 million)</i></p> <p>This Subcomponent provides the utility with the technical assistance to improve GEBE performance and accountability to the users, including, among others: (i) provision of institutional support; (ii) revision of the planning mechanisms; (iii) provision of technical assistance on the financial, operational, and commercial management; (iv) updating of GEBE's business plan; and (v) feasibility studies and technical designs of key identified investments to be supported.</p>	None
<p>Component 3: Housing and Public Buildings Repair and Reconstruction (USD 22.85 million)</p>	
<p><i>Sub-component 3.1. Home Repair Program (USD 7.00 million)</i></p> <p>This sub-component will support quick repairs to roofs of damaged houses. The program targets repairs of the homes of the most vulnerable households selected based on administrative, socio-economic and economic criteria and procedures acceptable to the World Bank, which will be determined at the implementation stage, and included in the Operations Manual.</p>	<p>OP 4.01. OP 4.12. Involuntary Resettlement and temporary relocation. ARAPs and/or compensation approach is included in the ESMF (Annex 5)</p>
<p><i>Sub-component 3.2. Support to the Sint Maarten Housing Development Foundation (USD 5.00 million)</i></p> <p>The St. Maarten Housing Development Foundation (SMHDF), the main social housing agency serving predominantly vulnerable families, requires financial support to repair severely damaged housing stock.</p>	<p>OP 4.01. Environmental Assessment OP 4.12 Involuntary Resettlement and temporary relocation. ARAPs and/or compensation approach is included in the ESMF (Annex 5)</p>
<p><i>Sub-component 3.3. Public Building Repairs (USD 10.85 million)</i></p> <p>A significant number of public buildings were damaged, including some 20 schools as well as sports and community centers, national monuments and some 24 public buildings. This component will support the urgent repairs of high priority facilities, the cost of temporary relocation, and survey and design for some of those buildings that require major renovation or new construction. In some cases, demolition will be required to both clear the way for reconstruction and urgently remove debris hazards. The execution of this sub-component is expected to be under the responsibility of NRPB with technical input from VROMI, the ministry managing physical infrastructure on behalf of client ministries such as MECYS, VSA, MGA and others. As reconstruction needs far exceed the budget available under this subcomponent, the government of St. Maarten will provide a prioritized list of those buildings to be addressed under this activity.</p>	<p>OP 4.01. Environmental Assessment OP 4.11. Physical Cultural Resources OP 4.12. Related to reconstruction of public buildings and or new buildings. The ESMF has been updated to include Approach for temporary relocation and compensation.</p>
<p>Component 4. Institutional Support for Reconstruction (USD 6.0 million)</p> <p>This component will support the institutional arrangements made by the Government to implement and coordinate the projects to be financed by the Single Donor Trust Fund (SDTF). It will support the operational and administrative costs of the institutions in charge of the SDTF and the projects. It will also include capacity building and a sustainable framework to ensure that the accumulated</p>	None

<i>Project Components and Activities with Potential Negative Environment and Social Risks Impacts</i>	<i>Indicative Activities and Environment and Social Policies Triggered</i>
experience also benefits the Government in the long run and after such institutional arrangements are discontinued.	

3.2. Environmental and Social Risk Classification

In accordance with Bank's environmental safeguards guidance, the ERP1 Project has been classified as Category B.

The project's overall potential socio-environmental impacts are expected to be positive for the affected communities. Works proposed under the project are largely rehabilitation and retrofitting of selected infrastructure and public buildings, and impacts are generally associated with the actual construction phase of the works activities. Limited new constructions will be included such as water supply improvements, as well as new building expansions on sites located within already designated compounds (e.g. existing fire and rescue property), buried utilities, and small works to field locations such as pump houses and transformer stations. Transformer stations to be replaced are mineral oil transformers as all PCB transformers were cycled out of service some time ago.

Regarding potential social risks, the key issues that have been identified include: (i) worker safety in the construction activities and homeowner protection under the voluntary home repairs assistance program; and (ii) possible temporary involuntary relocation of tenants, which has been identified as a potential issue associated with repairs to the public housing managed by the Sint Maarten Housing Development Foundation (SMHDF).

Following the World Bank guidelines, the Project's environmental and social risk has been rated Substantial (S). While the activities that entail social and environmental risks will be site specific and will focus on the rehabilitation of damaged infrastructure, including utilities assets, private housing and public buildings, the project has been prepared under condensed procedures in a post-hurricane environment; where the Government of Sint Maarten is new to the management of environmental and social safeguards following World Bank guidelines. For these reasons the project's environment and social risk category has been rated as 'Substantial.'

3.3. ERP I Environmental and Social Management Framework

To help manage the environmental and social risks, NRPB has designed the ESMF for the project consisting of guidelines for the preparation of standard mitigation of environmental and social risks for those activities with **minor works**, additional E&S instruments for **moderate works**, and steps for preparing **specific ESMPs** for those activities where **major works will entail significant risks**. For those activities whose sites are yet to be defined, the significance of risks and impacts will need to be reassessed and if specific ESMPs are deemed necessary, they will need to be consulted and publicly released before the initiation of the works. For the definition of scope of works, NRPB will adopt the following:

Minor repairs: works with minor environmental and social risks (e.g. windows and doors replacements) where temporary relocation is not needed/desired, no extensive presence of mold or asbestos is determined from the screening process. Standard environmental and social mitigation measures defined in this ESMF will be applied.

Minor Works where temporary relocation is required: Activities involving minor repairs in buildings or homes (e.g. home repairs), where temporary relocation is required but no extensive mold or asbestos presence is determined from the screening process. Standard environmental and social mitigation measures defined in this ESMF will be applied, including principles and guidelines to benefits packages to be applied towards the costs of relocation and/or any economic displacement.

Moderate works. Activities involving repair of groups of (public) buildings, particularly where it has been determined that there is extensive mold or asbestos presence, may require additional environmental, health and safety safeguards instruments. The E&S impact of these works will be classified as moderate. If extensive mold or asbestos presence is confirmed through an assessment, a temporary resettlement plan could possibly be required as part of the action plan. In these cases, the environmental and social screening (see Table 3.3) will help prepare specific environmental and social mitigation measures tailored to the locations of these works and contractor's ESMPs, in the form of EHS-Management Strategies and Implementation Plans C-ESHS MSIPs will be requested.

Major Works where temporary/permanent resettlement might also be required: Activities with major environmental and social risks associated with major construction works/new buildings/lots of houses, and where temporary or permanent resettlement is required. In these cases, the environmental and social screening (see Table 3.3) will help prepare standalone ESMPs with specific environmental and social mitigation measures adjusted to the works locations. Standalone ESMPs will be prepared to address all the identified potential environmental and social impacts and risks following the principles of the mitigation hierarchy. To the extent feasible, all potential impacts and risks will be avoided through design changes, and if avoidance is not possible – measures will be taken to minimize the magnitude of the impacts. Mitigation measures will be proposed for all the significant impacts. If the residual impacts are still significant even after applying the mitigation measures, compensation measures will be proposed. Further, enhancement measures will be proposed for increasing the benefits of positive impacts. At the time of the preparation of this revised version of ESMF it is expected that no major works will be carried out within the scope of ERP 1 and therefore no standalone ESMPs will be required.

Table 3.2. Provides an overview of the Environmental Safeguards Instruments anticipated to be required per subcomponent.

Table 3.2. Environmental Safeguards Instruments anticipated for the Project

Component	Project Component	Applicable Instrument
Sub-component 1.1	Repair of Police Station	<ul style="list-style-type: none"> - Standard Environmental and Social Mitigation Measures - Mold Action Plan- if presence is confirmed - Temporary Relocation Plan-if deemed necessary

Component	Project Component	Applicable Instrument
Sub-component 1.1	Emergency Operation Center, EOC	- Standard Environmental and Social Mitigation Measures
Sub-component 1.1	Repair and Construction of Meteorological Buildings	- Standard Environmental and Social Mitigation Measures
Sub-component 1.1	Repair of Shelters	- Standard Environmental and Social Mitigation Measures - Contractor ESHS Management Strategies and Implementation plans
Sub-component 2.1	<ul style="list-style-type: none"> - Upgrade and construction of resilient sub-stations - Repair and upgrade transformers, including transformer station houses - Replace and repair street lighting - Repair and replace currently damaged electrical meters - Update and expand the utilities' substations 	<ul style="list-style-type: none"> - Standard Environmental and Social Mitigation Measures - Contractor -ESHS Management Strategies and Implementation Plans <p>Additional instruments subject to the E&S screening to be carried during definition of scope of works.</p>
Sub-component 2.2	<ul style="list-style-type: none"> - Repair and upgrade water storage capacity - Repair and replace pump units, including pump houses - Replace installed micrometers 	<ul style="list-style-type: none"> - Standard Environmental and Social Mitigation Measures - ES Safeguards Audit for GEBE retroactive financing
Sub-component 3.1	Repair of Private Homes Phase 1 – 14 Home Repairs	<ul style="list-style-type: none"> - Standard Environmental and Social Mitigation Measures - Abbreviated Resettlement Action Plan
	Repair of Private Homes Phase 2 – Home Repairs	<ul style="list-style-type: none"> - Standard Environmental and Social Mitigation Measures - Abbreviated Resettlement Action Plans - Contractor ESMP (C-ESMP)
	Repairs of Private Homes/minor repairs (for example windows and doors)	<ul style="list-style-type: none"> - Standard Environmental and Social Mitigation Measures
Sub-component 3.2	Repair of Social Homes SMHDF – Phase 1 (minor repairs)	- Standard Environmental Mitigation Measures
Sub-component 3.2	Repair of Social Homes SMHDF – Phase 2	<ul style="list-style-type: none"> - Standard Environmental and Social Mitigation Measures - Abbreviated Resettlement Action Plans - Contractor ESHS Management Strategies and Implementation Plans. <p>E&S screening takes place to define (additional) instruments</p>

Component	Project Component	Applicable Instrument
Sub-component 3.3	Repair of Schools	<ul style="list-style-type: none"> - Standard Environmental and Social Mitigation Measures - Contractor ESHS Management Strategies and Implementation Plans - Logistics Plan

3.4. Environmental and Social Screening

As a first step to assessing the activities, environmental and social screening will be carried out for each sub-component.

The environmental and social screening may be used to identify whether:

- the environmental and social risks of the works are major;
- the environmental and social risks of the works are moderate;
- the environmental and social risks of the works are minor;
- or no temporary resettlement is required for the Project Affected People (PAPs);
- or no economic displacement may occur and can be avoided

The NRPB will use the Screening checklists in Table 3.3 and Table 3.4 as a basis for environmental and social screening and as justifications of the works classification for all new sub projects².

Table 3.3. Environmental Screening Matrix³

Screening Questions	Yes/No/? Briefly describe	Is this likely to result in a significant effect? Yes/No/? – Why?
1. Will construction, operation or decommissioning of the proposed works involve actions which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)?		
2. Will construction or operation of the proposed works use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?		

² For all works contracts awarded as of November 01, 2020. NRPB will ensure the relevant environmental and social risk managements instruments are in place in all contracts of works awarded before November 01, 2020 following the ESMP in place since March 5th 2020.

³ The screening checklist is developed by European Commission and is available at <http://ec.europa.eu/environment/archives/eia/eia-guidelines/g-screening-full-text.pdf>

Screening Questions	Yes/No/? Briefly describe	Is this likely to result in a significant effect? Yes/No/? – Why?
3. Will the works involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?		
4. Will the works require asbestos removal or extensive mold remediation actions?		
5. Will the proposed works produce solid waste streams during construction or operation or decommissioning?		
6. Will the proposed works release pollutants or any hazardous toxics or noxious substances to air?		
7. Will the proposed works cause excessive noise and vibration or release light or heat energy?		
8. Will the proposed works lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?		
9. Will there be any risk of accidents during construction or operation of the Project which could affect human health or the environment?		
10. Are there any other factors which should be considered such as consequential development which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the area?		
11. Are there any areas on or around the location which are protected under international or national legislation for their ecological, landscape, cultural or other value, which could be affected by the project?		
12. Are there any other areas on or around the location which are important or sensitive for reasons of their ecology, e.g. wetlands, watercourses or other water bodies, the coastal zone, mountains, forests or woodlands, which could be affected by the project?		
13. Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora, e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the project?		
14. Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?		
15. Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?		

Screening Questions	Yes/No/? Briefly describe	Is this likely to result in a significant effect? Yes/No/? – Why?
16. Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?		
17. Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?		
18. Is the project in a location where it is likely to be highly visible to many people?		
19. Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?		
20. Is the project located in a previously undeveloped area where there will be loss of greenfield land?		
21. Are there existing land uses on or around the location e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying which could be affected by the project?		
22. Are there any plans for future land uses on or around the location which could be affected by the project?		
23. Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?		
24. Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected by the project?		
25. Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?		
26. Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?		
27. Is the project location susceptible to subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions which could cause the works to require additional environmental considerations?		
28. Will pesticides, rodenticides or any other vector control products be used during any stage of project implementation and operation?		

Screening Questions	Yes/No/? Briefly describe	Is this likely to result in a significant effect? Yes/No/? – Why?
<p>Note: Instructions to complete the checklist</p> <p>Start by providing a brief description of the project. Then using available information about the project answer each question in Column 2:</p> <ul style="list-style-type: none"> • Yes – if the answer is yes • No – if the answer is no • ? – if the answer is don't know <p>Briefly describe the relevant characteristic of the project or its environment and then consider whether any effect that is likely to result is likely to be significant and enter the response in Column 3 with a note of the reasons why. Use the next Checklist on Criteria for Evaluating Significance to help answer the question "Is this likely to result in a significant effect?".</p>		

Table 3.4. Social Screening Matrix

Will the sub-project:	Yes	No	Is this likely to have a significant effect and why?
Resettlement Impacts			
1. Do the works require temporary displacement of people from their current settlement/homes?			
2. Will the work interfere with the normal health and safety of the worker/employee?			
3. Will the work reduce the employment opportunities for the surrounding communities?			
4. Will the work cause limits to people's access to the water, public services or other resources that they depend on?			
5. Will there be a reduction in income for the communities?			
6. Will the work possibly induce conflict? If so, please describe?			
Community Health and Safety			
7. Is there a possibility that the work will cause child delinquency (school dropouts, child abuse, child labor, etc.?)			
8. Is there a chance that the work will cause labor influx to the area?			
9. Is there a risk that the project will lead to gender disparity or gender-based violence?			
10. Is there a possibility that there will be an increased exposure of the community to communicable diseases such as HIV/AIDS?			

11. Is there a risk that there will be increased safety concerns due to introduction of the project?			
12. Is there a risk that the work will lead to substance abuse (drug abuse, excessive alcohol consumption, etc.)?			
13. Is there a vulnerable population affected (children, disabled, elderly, minority group etc.) requiring temporary relocation?			
14. Is there a possibility that there will be an increased exposure of the community to infectious diseases or existing/emerging pandemics (such as COVID-19)?			
Labor			
15. Are there potential hazards to the workers?			
16. Are the proper PPEs provided to the workers?			
17. Are the provisions to prevent the spread of infectious diseases or existing/emerging pandemics (such as COVID-19) in place?			
18. Are there procedures incorporated that can be used in emergency situations?			
19. Will the project potentially involve an influx of non-resident workers (key staff or non-key staff/workers)?			
20. Based on the socioeconomic, cultural, religious and demographic qualities of the resident community and the incoming workers, is there a possibility that their presence or interaction with the resident community could create adverse impacts?			
If yes to any of the above, please document the context and describe the situation and coordinate with NRPB Environmental/Social Officer for more guidance.			

3.5. Environmental and Social Risks Screening of Minor and Moderate Works

NRPB carried out an environmental and social risk screening for the construction of minor and moderate works to be carried out under the different project components and the potential environmental and social negative impacts. For details please refer to Table 3.5. The environmental and social risk screening helped identify the environmental and social mitigation measures described in Table 4.1 (next section).

Table 3.5. Summary of Screening of Potential Environmental, Social, Health and Safety Risks from Construction Works (Small Works, Minor Repairs and Moderate Works)

Component/Activities with Potential Environmental and Social Impacts	Scope of works	Potential Environmental and Social Impacts and Risks
Component 1: Emergency Measures for the Recovery of Disaster First Respondents and Preparedness Facilities <ul style="list-style-type: none"> - Emergency Operations Center Repair and Expansion - Police Station Repairs - Emergency Shelters Repairs - Automatic Weather Stations 	<p>Removal of Damaged Parts of the Buildings. Damaged parts of buildings such as interior ceilings, walls, doors and windows will be removed or demolished and transported to the Government-designated Hurricane Irma debris disposal site.</p> <p>Mold Remediation may be needed in some of the buildings exposed to rainwater</p> <p>Repair of Damaged Parts of the Buildings. The damaged parts of the buildings will be reconstructed with concrete, and doors and windows will be replaced.</p> <p>Construction of Additional Rooms, Bays and Buildings. Additional rooms and buildings will be constructed as needed in the existing premises of the affected buildings. No additional land acquisition will be required for these construction activities.</p>	<p>Debris and Waste Generation. Debris and other waste material will be generated from the demolition and cleanup activities as well as from the Construction of Additional Rooms, Bays and Buildings.</p> <p>Occupational Health and Safety (OHS) Risks. OHS risks are associated with debris collection and removal activities such as lifting, separating, sweeping and hauling; and other risks generally associated with the demolition and construction works including use of scaffolding and work at heights.</p> <p>Community Health and Safety Risks. Staff working in these offices are exposed to risks associated with construction activities. Mold remediation works may have an impact on infants and people with respiratory challenges.</p> <p>Nuisance from the Construction Activities. Noise and vibration, dust and vehicular movement from the construction activities may cause a nuisance to the nearby communities, staff working in the offices and construction workers.</p>

		<p>Labor Influx. While Contractors will be encouraged to hire resident labor as much as possible, Contractors may possibly bring workers (key or non-key staff) from abroad. There may be a risk of social conflict with resident communities as a result of cultural differences, SEA/SH, and communicable diseases. The resident workers may feel that they are being replaced by foreign workers.</p> <p>Labor influx depending on the scale could potentially strain housing and social services, such as health, water, waste management, etc. There is a risk that the understanding of acceptable working and housing conditions may be different and not comply with Sint Maarten labor laws.</p>
<p>Component 2: Restoring and Increasing Resilience and Water and Electricity Infrastructure</p> <p>- Restoring Electricity Services</p> <p>Increasing Resilience of the Water System</p>	<p>Trenches and Excavation. Excavation of trenches for repair or relocation of water pipes, electrical cables and other utilities. Utilities within the trenches that could be disturbed by construction will need to be relocated.</p> <p>Repairing of Electrical Lines. Repair or replacement of damaged electric lines including re-erection of damaged poles and installation of streetlights.</p> <p>Repair of Electrical Equipment. Repair or replacement of transformers, and pumping equipment of the water supply system.</p>	<p>Traffic Congestion. Excavations and trenches along the roads may affect the smooth traffic flow and may cause traffic jams.</p> <p>Occupational Health and Safety (OHS) Risk. OHS risks and hazards associated with operating of excavation equipment, the repair of electrical lines and electrical equipment (e.g. transformers).</p> <p>Community Health and Safety Risks. Pedestrians are exposed to the risk of falling into the roadside excavations and trenches.</p> <p>Nuisance from the Construction Activities. Noise and vibration, dust and vehicular movement from the construction activities may cause a nuisance to the nearby communities.</p>

		<p>Labor Influx. Contractors may bring workers (key or non-key staff) from abroad. There may be a risk of social conflict with resident communities as a result of cultural differences, SEA/SH, and communicable diseases. The resident workers may feel that they are being replaced by foreign workers.</p> <p>Labor influx depending on the scale could potentially strain housing and social services, such as health, water, waste management, etc. There is a risk that the understanding of acceptable working and housing conditions may be different and not comply with Sint Maarten labor laws..</p>
<p>Component 3: Housing and Public Buildings Repairs and Reconstruction</p> <ul style="list-style-type: none"> - Home Repair Program - Repair of Sint Maarten Housing Development Foundation (SMHDF) Houses <p>Repair of Schools and Other Public Buildings</p>	<p>Temporary Relocation of Household Members. Families living in the houses need to be temporarily relocated, for about two months, before starting of the construction activities.</p> <p>Temporary Relocation of Schools. Classes will be interrupted during school repairs works. Depending on the school and the extent of the works, this may affect some classrooms or the entire school.</p> <p>Demolition of Damaged Roofs and Structures. Damaged parts of buildings such as roofs, walls, doors and windows will be demolished and transported to the Government-designated Hurricane Irma debris disposal site.</p> <p>Roof Inspection and Repair. Roofs will be inspected, and damaged roofs will be replaced</p>	<p>Relocation of Affected Households. Displacement of people is one of the major issues brought forth after the passing of hurricane Irma and Maria. Displacements affect the livelihood of people, rendering them homeless. Relocations can be traumatic and depressing causing emotional and mental distress to some of the families, especially considering that they have been living in these homes for a long time.</p> <p>Debris and Waste Generation. Debris and other waste material will be generated from the demolition and cleanup activities as well as from repair work/ construction.</p> <p>Occupational Health and Safety (OHS) Risk. OHS risks are associated with building demolition works and debris collection and removal activities, and other risks generally associated with the building construction</p>

	<p>with the appropriate roofing material at the required resilience standards.</p> <p>Mold Remediation. Mold remediation may be needed in some of the buildings that were exposed to rainwater.</p> <p>Concrete and Steel Work. Structural elements of the buildings will be inspected, and the necessary concrete works will be carried out to strengthen the building structures.</p> <p>Mobilization of Materials, Workers, and Equipment. Stack yards, site offices and labor sheds will need to be built. The land and premises required will be rented. No land acquisition will be required.</p>	<p>works including the use of scaffolding and work at heights.</p> <p>Community Health and Safety Risks. Communities living around the construction sites are exposed to risks associated with construction activities. Mold remediation works may pose health risks to infants and persons recovering from surgery, immune suppressed people, or people with chronic inflammatory lung diseases (e.g., asthma, hypersensitivity pneumonitis, and severe allergies).</p> <p>Nuisance from the Construction Activities. Noise and vibration, dust and vehicular movement from the construction activities may cause a nuisance to the nearby communities, staff working in the offices and construction workers.</p> <p>Traffic and Road Safety. Construction related to vehicular movement and temporary storage of construction materials on the streets may affect the local traffic.</p> <p>Labor Influx. Contractors may bring workers (key or non-key staff) from abroad. There may be a risk of social conflict with resident communities as a result of cultural differences, SEA/SH, and communicable diseases. The resident workers may feel that they are being replaced by foreign workers.</p> <p>Labor influx depending on the scale could potentially strain housing and social services, such as health, water, waste management, etc. There is a risk that the understanding of</p>
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		acceptable working and housing conditions may be different and not comply with Sint Maarten labor laws..
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4. Environmental and Social Mitigation Measures

4.1. Mitigation measures

The project is considered Category “B” and OP 4.01 is triggered for sub-components 1.1, 2.1 and 2.2 and all of Component 3. The bulk of the work is expected to be of relatively small scale, generating localized environmental and social impacts that can be easily identified, and well mitigated, and managed. Overall, these environmental and social impacts are mostly associated with the demolition and construction phase of the rehabilitation works, and include inter alia debris management, worker health and safety, noise control, and soil erosion. Consequently, no significant or irreversible environmental and social impacts are anticipated due to Project-financed activities.

Following the environmental and social screening and the classification of works presented in previous sections, the applicable labor, environmental and social legal framework for Sint Maarten, and the applicable World Bank Environmental and Social Safeguards Policies, NRPB defined three sets of Environmental, Social, Health, and Safety (ESHS) mitigation measures. The first is a set of measures applicable to activities involving works with minor E&S risks; the second is applicable to works involving moderate risks; the third is a guideline for defining mitigation measures if works with major E&S risks will be implemented once sites and implementation arrangements are defined. NRPB developed the following checklist of instruments to be applied according to the scope of works under each Activity:

Table 4. Checklist of Required Environmental and Social Instruments based on scope of works

	Minor Repairs	Minor Works with no Temporary Relocation (TR) needed	Minor Works with TR needed	Moderate Works	Major Work with TR needed
<i>Environmental and Social Risks</i>	Low		Substantial		High
ESHS Requirements in Bidding Documents (all procurement documents, see sub-section 4.1)	yes	yes	yes	Yes	yes
<i>ESHS Risk Mitigation Measures for Minor works/minor repairs and Moderate Works see (sub-section 4.2)</i>	yes	yes	Not applicable	Yes	Not applicable
Contractor’s ESMP or ESHS MSIPs	Not required	Not required	Yes	Yes	Yes
Standalone ESMPs for Major Works (see sub-section 4.3)	Not applicable	Not applicable	Not applicable	Not Applicable	Yes Specific measures after risk screening
<i>Temporary Resettlement Plan (and Abbreviated Resettlement Action Plan needed) (see sub section 4.4)</i>	Not required	Not Required	Required	To be decided in case of asbestos or extensive	Required

				mold presence	
<i>Grievance Redress Mechanism, all procurement documents (see sub-section 4.5)</i>	yes	yes	yes	Yes	yes

See **Annex 5** for guidelines on temporary resettlement.

The Supervision Consultant in consultation with the NRPB Environmental and Social Specialists will be responsible for supervising and monitoring the implementation of the Environment, Social, Health, and Safety mitigation measures for minor and moderate works.

For activities with moderate or major works, NRPB will request contractors to include designated ESHS Focal Points to take responsibility for implementing all actions pertaining to the implementation of Contractor's ESMPs or MSIPs; and together with NRPB Environmental and Social safeguards Officers, ensure compliance of ESHS mitigation measures during project implementation. The Contractor shall designate a senior site supervisor as ESHS Focal Point for taking responsibility of implementing actions in the C-ESMP or MSIPs and communicating with the Supervision firm and the NRPB Environmental and Social Safeguards Officers on ESHS matters.

4.1 ESHS Requirements in Bidding Documents

To address the expected environmental and social risks in the implementation of works, NRPB will include ESHS measures in the respective bidding documents. The Procurement Specialists of the Project will work with the Environmental and Social Specialists of NRPB in ensuring the following guidance is incorporated accordingly.

All sections of bidding documents are to be reviewed in detail and cross-reference will need to be made to the environmental and social safeguards policies and instruments relevant to the specific subprojects which have been prepared as per the requirements of this ESMF.

Inclusion of Environmental, Social, Health and Safety (ESHS) Requirements as technical specifications, including the need for the Contractors ESHS staff and Code of Conduct for activities with major works.

Where applicable, the Environmental and Social Specialists may be required to update recommendations in the respective bidding documents to match the language in the ESMF where major discrepancies have been noted to facilitate consistency in all documents.

The inclusion of Environmental, Social, Health, and Safety Performance (if deemed necessary) in the contract documents.

Where applicable, provide a Mold and/or Asbestos Assessment (reports/requirements) for the bidders to be included in the Request for Bids. Successful contractors shall prepare relevant Action Plans to be implemented as part of their C-ESHS MSIPs.

4.2 ESHS Risk Mitigation Measures for Minor Repairs

For minor repairs, the Procurement Specialists will work closely with the Environmental and Social Specialists to adjust when necessary and incorporate the standard mitigation measures indicated in Table

4-1 in the corresponding bidding documents, requests for quotes, draft contracts, and ensure provisions are included in the final contracts signed for the construction of works. The standard mitigation measures are based on the relevant policies and legislation of GoSM, the World Bank Safeguards Policies and World Bank Group Environmental, Health, and Safety Guidelines.

Table 4.1. Standard ESHS Mitigation Measures for Minor Works/Minor Repairs

[Note: This Standard Environmental and Social Mitigation Measures will apply to all minor works/minor repairs/moderate works contracts to be implemented under the Project. Contractor's ESHS MSIPs will be required for moderate work contracts. Standalone ESMPs will be prepared for major work contracts.]

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
			Implementation	Supervision
Community health and safety	Community exposure to construction risks	<p>The Contractor shall:</p> <ul style="list-style-type: none"> - Establish a perimeter of the site, marked by barrier tape and signage indicating that Construction is ongoing and disallowing unauthorized access. - Sign a 'code of conduct' with all its staff before mobilizing them into the construction. The code of conduct will include the responsibilities of the workers in dealing with the community, (personal) waste management and following the instruction from the supervisor 	Contractor	NRPB
Hazards at Work Site	Occupational health safety risks associated with the proposed construction works may result from the exposure to potential hazards encountered in the workplace or while working	<p>The Contractor with the support of the NRPB and the Supervision consultant shall:</p> <ul style="list-style-type: none"> - Identify the potential hazards at worksites associated with the construction activity - Appropriate measures and precautions will be taken to prevent danger and injury from construction activities. 	Contractor	Supervision consultant NRPB

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Asbestos	Asbestos has been classified as a known human carcinogen. Exposure to asbestos may occur through inhalation of fibers in air, released during construction works on buildings containing asbestos materials.	If in the event a construction project requires the stabilization or removal of asbestos construction materials, the contractor shall contact the Inspectorate Public Health, Social Services and Labor of the Ministry of Public Health, Social Development and Labour and The Inspection Department of the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI)) and work towards developing an asbestos management plan with appropriate experts and authorities. Contractor shall provide all relevant protective gear to workers.	Contractor	Supervision consultant NRPB
Occupational risks at work sites	Lack of awareness among workers on the ESHS risks and requirements of the Project	The NRPB and its supervision consultant shall provide ESHS awareness sessions and material to Contractors, before they start working on site, on primary ESHS risks associated with the proposed construction works; and the workers' responsibility. The Contractor shall ensure all its workers have been briefed on and have received the ESHS awareness material provided by the Engineer.	NRPB/ Contractor	NRPB

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Personal Protective Equipment (PPEs) and First Aid Kits	Lack of relevant PPEs will increase the risk of worker's exposure to construction hazards Lack of First Aid Kits or stations may aggravate possible minor wounds	Contractor shall provide appropriate personal protection equipment (PPE) for workers, such as safety boots, helmets, masks, gloves, protective clothing, goggles, body harness, and/ or ear protection as needed based on the work requirements and will have First Aid Kits available to address immediate/minor needs.	Contractor	Supervision consultant NRPB
Building demolition works	Hazards from falling debris and objects	<ul style="list-style-type: none"> - Remove or secure objects (glass, structural elements) that may fall while workers work under them - Use debris netting, sidewalk sheds, canopies, kickboards or catch platforms to reduce hazards from falling objects - Verify the location of all utility lines; ensure lines have been shut-off, capped, or otherwise controlled outside the building before beginning work - Notify utility companies before controlling their utility lines 	Contractor	Supervision consultant NRPB

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Working at heights	Risk of fall from improper ladder and scaffold use	<ul style="list-style-type: none"> - Inspect ladders for cracked, broken, or defective parts before use - Do not exceed the load rating of ladders or scaffolds-remember that load ratings include people, tools, and equipment - Set up ladders and scaffolds on stable surfaces - Use non-conductive ladders (e.g., fiberglass) and exercise extreme caution when working near power lines - Secure ladders that can be displaced by work activities; consider barricades at the base to keep traffic away - Ensure that the scaffold is built on firm foundations. Footings should be able to support the scaffold without settling or moving. Do not use unstable objects to support scaffolds - Fully plank each scaffold on all working levels. For wood planking, use wood graded for the intended load - Provide guardrails or fall protection systems on platforms 2m or higher 	Contractor	Supervision consultant NRPB

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Working with the electrical lines and live electrical equipment	Risk of electrical shocks while working with the electrical lines, transformers and other electrical equipment	<ul style="list-style-type: none"> - Assume that electrical lines are energized until proven otherwise; lines may become energized because of back feed from portable generator use, circuit ties/switch point, lightning, or other downstream events; ensure that grounding procedures are accomplished and that all sources of electricity are isolated - Inspect the work area for downed conductors and do not go near, drive over, or otherwise come in contact with them - Downed electrical conductors can energize other objects, including fences, water pipes, bushes, trees, and telephone/ fiber optic cables - Ensure that all workers assessing and repairing electrical installations are experienced - Use electrical-specific PPE (gloves, face shields) needed based on the type and approximate voltage of service and specific tools rated therefor - Unless de-energized and visibly grounded, maintain proper distance from overhead electrical power lines (at least 3 m) and/or provide insulating barriers 	Contractor	Supervision consultant NRPB

ESHS Risks/Impact/Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Trenches and excavations	Risk of community individuals' fall in the trenches; and occupational risks	<ul style="list-style-type: none"> - Ensure that trenches excavated in public areas shall be adequately barricaded and provided with signs to prevent risk of public falling into them - Store all materials, including those removed from the trench or excavation, at least 2 feet away from the sides of the trench or behind a suitable restraining system - Ensure that all adjacent buildings/structures or surface obstructions (e.g., trees, large rocks) near the trench are supported or removed - Support and protect all utilities spanning a trench or excavation 	Contractor	Supervision consultant NRPB
Workers facilities at the works/construction sites	Lack of safe drinking water and sanitation facilities create unhygienic conditions at worksites	<p>The contractor shall:</p> <ul style="list-style-type: none"> - Arrange safe drinking water to workers - Provide adequate sanitation facilities - Maintain clean worksites - Ensure workers do not eat, drink or smoke in the work areas affected by mold 	Contractor	Supervision consultant NRPB
Child and youth labor	Children under the age of 18 years are prohibited from working.	<ul style="list-style-type: none"> - The Contractor shall not hire any labor less than 18 years of age. 	Contractor	Supervision consultant NRPB
Gender Based Violence (GBV) and Sexual Exploitation	Possible Gender Based Violence or Sexual Exploitation during works	<ul style="list-style-type: none"> - Contractor to prepare the Code of Conduct (CoC) that NRPB approves. Contractor to enforce the CoC - The incident will be reported to NRPB Social Specialist directly. - All relevant authorities shall be contacted if any such event occurs. The alleged victim's / complainant is leading. Judicial authorities are contacted if there is a 	Contractor	NRPB

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
		legal obligation to do so and if the alleged victim /. complainant wishes to report to the judicial authorities. Contractor will act upon guidance from the NRPB.		
Labor Influx	Contractors may potentially bring non-resident workers from abroad. There may be a risk of social conflict with resident communities, because the resident workers may feel that they are being replaced by foreign workers. There also are risks of SEA/SH and communicable diseases. The non-resident workers could potentially be subjected to working and housing arrangements which may be (considered) less than favourable .	<ul style="list-style-type: none"> - Contractor to prepare labor management strategies as a part of C-ESMP, including labor requirements (no .of resident/non-resident workers) and housing arrangements for non-resident workers. The strategies should ensure workers are provided with adequate sanitary facilities, beds and space for their personal effects. - Contractor to provide awareness raising programs (CoC, substance abuse, communicable diseases, culture in the country, and project/ workers GRMs) in the language that workers understand. - Contractor to ensure working conditions as per the Sint Maarten labor law and NRPB/World Bank standards 	Contractor	Supervision Consultant NRPB
Workers' Grievance Mechanism	The project might generate workers concerns and grievances. Workers shall have access to GRM to raise workplace concerns.	Workers shall have access to a 2-tier GRM. Firstly, the Contractor will receive workers concerns and grievances and process them through the contractor's GRM. The Social Safeguards Specialist in NRPB will monitor if and how concerns are addressed by the contractor. If the contractor does not address concerns, workers will be directed to the NRPB's GRM mechanism. Ensure the concern is processed through the NRPB's GRM, track the resolution of complaints and present them in a quarterly report.	Contractor	NRPB

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Workplace injuries and accidents and other incidents	If incidents are not investigated and root causes are not identified, there is a risk that they may repeat	<ul style="list-style-type: none"> - The NRPB Environmental and Social Specialists and their Supervision Consultant shall investigate all incidents related to workplace injuries and accidents; and, on the environment (e.g., oil spills, pollution events), and social (e.g. gender-based violence, the non-function of GRM, etc.) incidents. - The Contractor shall implement the recommendations of the Supervision Consultant to avoid recurrence of these incidents. 	Contractor	Supervision consultant NRPB
Waste from works/ construction sites	Pollution from the improper management of solid wastes and excess materials from the construction sites.	<ul style="list-style-type: none"> - The Contractor shall properly collect all waste from the worksites and transport these wastes to the disposal sites approved by Government. - When discarding the damaged material affected by mold, the Contractor shall take appropriate measures to exterminate the mold according to standard industry practices. 	Contractor	Supervision consultant NRPB

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Mold remediation in small isolated areas	Mold remediation may pose health risks to the infants and persons recovering from surgery, immune suppressed people, or people with chronic inflammatory lung diseases (e.g., asthma, hypersensitivity pneumonitis, and severe allergies)	<ul style="list-style-type: none"> - The NRPB and the Contractor shall ensure the work area is unoccupied, and the nearby areas are free of infants and people with respiratory challenges. - The contractor shall cover surfaces in the work area that could become contaminated with secured plastic sheets to contain dust and debris and prevent further contamination; and use approved biocides and detergents for the cleaning of mold. - After the mold cleaning, the area shall be kept clean, dry, and free of visible debris. 	Contractor	NRPB
Drainage and Wastewater from the construction sites	Drainage from the construction sites and material storage sites (sand and aggregates) may contain sediment load	<p>The Contractor shall</p> <ul style="list-style-type: none"> - Cover all stockpiles containing loose materials such as sand and aggregates with non porous covers to protect them from rain - Not allow ponding of water near the construction sites. - Dispose of all wastewater according to the Guidelines of the Government of St. Maarten 	Contractor	Supervision consultant NRPB
Noise pollution	Noise and vibrations from the construction activities and equipment may cause a nuisance to the nearby communities.	<p>The Contractor shall:</p> <ul style="list-style-type: none"> - Avoid undertaking the noisiest activities, where possible, when working at night near residential areas. - Maintain all equipment and vehicles to keep them in good working order. - Inform the community of planned activities which may cause noise nuisance in a timely manner. 	Contractor	Supervision consultant NRPB

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Air pollution	Dust from construction activities and emissions from construction equipment and vehicles may cause air pollution	<p>The Contractor shall:</p> <ul style="list-style-type: none"> - Take appropriate measures to suppress dust generation, especially during operations that may create a lot of dust, such as cutting or sawing silica-containing materials, jack hammering, impact drilling, using heavy equipment, and demolishing structures - Maintain all machinery and vehicles in acceptable working conditions. 	Contractor	Supervision consultant NRPB
Traffic and road safety	The temporary storage of materials on the streets and parking of equipment and vehicles, and excavations along the roads may block the local streets	<p>The Contractor shall:</p> <ul style="list-style-type: none"> - Not block the local streets/roads for traffic without first obtaining the required authorization from the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (Ministry of VROMI) and the Ministry of Justice; - In consultation with the Ministry of VROMI inform the General Public of any scheduled blocking of roads (Newspaper ads and PSAs). - Where relevant, place traffic signs and flagmen at required places to control the traffic as directed by the Ministry of VROMI - The contractor shall manage available parking spaces in a responsible manner, shall encourage or facilitate joint transportation for staff. 	Contractor	Supervision consultant NRPB
Community complaints (GRM)	Negative impact on the community	<p>The contractor shall acknowledge, record the complaint and act on it and report the complaint to the NRPB. Should contractor fail to resolve complaint it will be taken up by NRPB social specialist who will in turn investigate and follow up with the complainant. If the complaint contains elements of GBV, the complaint is immediately referred to NRPB Social Specialist (also see previous text on mitigation measures to workplace incidents).</p>	Contractor	Supervision consultant NRPB

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Damage to private or public property	Negative impact on community and stakeholders	The contractor shall record, report the incident to the supervisor and NRPB Environment and Social Safeguard Officers who will work together to resolve the incident.	Contractor	Supervision consultant NRPB
Use of preservatives and paint substances	Hazardous substances in preservatives and paint substances	<ul style="list-style-type: none"> - All paints, solvents and preservatives shall be purchased from certified distributors and shall meet the Guidelines as set forth by applicable legislation including the National decree on Public Health (Landsbesluit Publiekegezondheid) - The contractor shall provide the supervisor of works with a list of materials and estimated quantities to be used, storage, spill control and waste disposal plans to be observed by the supervisor of works during the execution of the contract. This plan is subject to the approval of the project manager. 	Contractor	Supervision consultant
Site stabilization and erosion control	Risks of soil erosion	<ul style="list-style-type: none"> - Contractor shall implement measures at the site of operations to manage soil erosion through minimization of excavated area, preservation of existing ground cover to the extent possible, provision of approved ground cover. Where excavations are made, contractor shall implement appropriate stabilizing techniques to prevent cave-in or landslide. Erosion control measures shall be approved by the contracting officer. 	Contractor	Supervision consultant

ESHS Risks/Impact/ Activity	Description of the Risk/Impact	Mitigation Measures	Responsibility	
Infectious diseases or emerging pandemics, such as Covid-19	Inadequate protection measures may lead to spread of an infectious disease among workers and community members.	<ul style="list-style-type: none"> -Comply to country protocols -Comply to WHO protocols -Contractor to prepare and implement a management plan for infectious diseases and emerging pandemics, if requested. 	Contractor	Supervision Consultant NRPB

4.2.1 ESHS Mitigation Monitoring for Minor Works/Minor Repairs

NRPB will monitor the implementation of the standard ESHS Mitigation Measures applicable to minor works contracts. Table 4-2 indicates the monitoring parameters that the NRPB Environmental and Social Safeguards Officers will apply

Table 4.2. ESHS Monitoring Plan for Minor Works

#	Monitoring Parameter/ Activity	Means of Monitoring	Compliance Indicator/Threshold Limits	Frequency	Agency Responsible for Monitoring
1	Controls for workplace hazards	Visual inspection to ensure controls for workplace hazards are in place	Implementation of Control Measures specified in the Inspection report	Monthly	Supervision consultant NRPB
2	Workers attend the ESHS Risks and Code of Conduct sessions	Inspection of training records and interviews with the workers	100 percent of workers have attended ESHS and CoC sessions	Monthly	Supervision consultant NRPB
3	Use of PPE by staff	Visual inspection on use of relevant PPEs	100 percent use of relevant PPE	Monthly	Supervision consultant NRPB
4	Licensed equipment operators and vehicle drivers	Visual inspection of driving licenses	All operators and drivers have valid licenses	Monthly	Supervision consultant
5	Water and sanitation facilities at worksites	Visual inspection and interviews	Availability of safe drinking water and sanitation facilities	Monthly	Supervision consultant NRPB
6	Cleanliness at worksites and residences	Visual inspection	Worksites shall be kept clean and free of garbage	Monthly	Supervision consultant NRPB
7	First Aid Kits at worksites and residences	Visual inspection and interviews	All worksites shall have adequate well stocked first aid kits	Monthly	Supervision consultant NRPB
8	Grievances from labor	Records of grievances registered and resolved.	All grievances shall be addressed with 15 days of the complaint. Unresolved complaints after the 15 days will be directed to the NRPB's GRM immediately.	Monthly	Supervision consultant NRPB

#	Monitoring Parameter/ Activity	Means of Monitoring	Compliance Indicator/Threshold Limits	Frequency	Agency Responsible for Monitoring
1	Controls for workplace hazards	Visual inspection to ensure controls for workplace hazards are in place	Implementation of Control Measures specified in the Inspection report	Monthly	Supervision consultant NRPB
9	Air pollution	Visual inspection of equipment/vehicle exhausts and records of vehicle maintenance	All equipment and vehicles shall be maintained and serviced as required	Monthly	Supervision consultant
10	Wastewater Discharges	Visual inspection of wastewater discharges	All wastewater shall be directed to the sewerage facility, holding tank or septic system	Monthly	Supervision consultant NRPB
11	Waste Management	Waste management as per the approved plan	Facilities are clean, and waste collection and disposal facilities are in place	Monthly	Supervision consultant NRPB
12	Traffic Safety	Visual inspection for traffic management	The smooth flowing of traffic; and placement of traffic signs and flag-person as deemed necessary by the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (Ministry of VROMI) and the Ministry of Justice.	Monthly	Supervision consultant
13	Hydrocarbon and chemical storage and handling	Visual Inspection of storage facilities	No leakages from the containers in the storage. Handling follows procedures to avoid spillages.	Monthly	Supervision consultant NRPB
14	Restoration of Work Sites	Visual Inspection	Upon finalization of works the facilities will be made free of all debris construction and all other waste.	Monthly	Supervision consultant NRPB

#	Monitoring Parameter/ Activity	Means of Monitoring	Compliance Indicator/Threshold Limits	Frequency	Agency Responsible for Monitoring
1	Controls for workplace hazards	Visual inspection to ensure controls for workplace hazards are in place	Implementation of Control Measures specified in the Inspection report	Monthly	Supervision consultant NRPB
15	Community complaints reports	Record review	The records are up to date and complaints are satisfactorily addressed by contractor within 15 days. If not, they should be escalated to NRPB.	Monthly	Supervision consultant NRPB
16	Labor management	Check a sample of contracts. Interviews with the workers Site visits (civil work sites and housing)	Working conditions, such as wage, equal work equal pay, non-discrimination, work hours, breaks, etc. are enforced for all workers (resident and non-resident) as per the Sint Maarten national law and NRPB/World Bank standards Appropriate housing arrangements for non-resident workers brought by the contractor	Monthly	Supervision consultant NRPB
17	Infectious diseases or emerging pandemics, such as Covid-19 (if requested)	Visual inspection and record review	Implementation of the management plan, e.g., health and safety protocols are in place, signs are posted, awareness training is conducted	Monthly	Supervision consultant NRPB

4.3 Preparation of Specific ESHS Instruments for Moderate Works

Mitigation measures presented in Table 4.1 will also be implemented for works classified as Moderate Works as per sub-section 3.4. The Procurement Specialists in close coordination with the Environmental and Social Safeguards Officers will adjust when necessary and incorporate the standard mitigation measures in the corresponding bidding documents, requests for quotes, draft contracts, and ensure provisions are included in the final contracts signed for the construction of works. Additional mitigation measures will be adopted for heightened, specific risks.

This section describes the additional instruments to be utilized for the design and implementation of activities associated with moderate works.

4.3.1 Environmental and Social Screening of Proposed Activities

As a first step, environmental and social screening of each sub-component will be carried out using a screening checklist Table 3.3 for environment and Table 3.4 for social. The screening will help to get an idea about the degree and extent of environmental and social impacts of an activity. This preliminary identification of possible impacts will serve as a guide to identify further detailed environmental and social assessments. This environmental and social screening will be carried out through:

- Reconnaissance of the subcomponent area and identification of the presence of environmental and social sensitive receptors;
- Identification of subcomponent activities related to asbestos or extensive mold remediation;
- Preliminary assessment of the probable environmental and social impacts of different activities during demolition, construction and operational stages.

4.3.2 Code of Conduct

The NRPB has adopted a Code of Conduct to ensure Environmental, Social, Health and Safety measures are adopted by the Bureau and its contractors. As such, the Contractor shall commit to an NRPB approved Code of Conduct regarding Environmental Social Health and Safety with all its staff before mobilizing them into the construction. The code of conduct will include the responsibilities and accountability of the workers in dealing with the community and following the instruction from the supervisor. The NRPB will include request of CoCs for all contractor of moderate works. For details, please see Annex 4.

4.3.3 Contractor's ESHS Management Strategies and Implementation Plans (C-ESHS MSIPs)

As a requirement under the bidding documents, the Contractors for all possible moderate works will need to submit the Contractor ESHS Management Strategies and Implementation Plans prior to their mobilization for NRPB approval. This plan will at a minimum consist of the following site-specific management sub-plans/chapters that will be prepared in compliance with the requirements of the bidding documents, ESMF and World Bank EHS guidelines:

- Mobilization strategy
- Traffic management plan
- Pollution prevention plan
- Mold removal (temporary and permanent) plan (if applicable)
- Asbestos removal plan (if applicable)
- Waste management plan
- Labor management strategies (Include the number of resident/non-resident workers required. When large labor influx is anticipated, also include accommodation arrangements)
- Code of conduct for the workers
- Occupational health and safety
- Community ESHS Plan (including a Community Engagement and Consultation Plan and a Complaint management procedure for community complaints)
- Air & Noise Emissions Plan
- Grievance Redress Mechanism for Workers (GRM)
- Management Plan for Infectious Diseases or Emerging Pandemics (e.g., Covid-19, when applicable)

- A temporary relocation plan, if required, for asbestos or extensive mold remediation works
- Emergency preparedness plan

In addition, the Contractor will need to submit a Job Safety/Hazard Analysis at the beginning of construction works at each new site where moderate works will be implemented, addressing the measures associated with various hazards at the work sites. These reports will be reviewed and approved by the NRPB after ensuring the mitigation measures proposed in the analysis are in place at the work sites.

4.3.4 Compliance Monitoring and Reporting

The Contractor's Environmental, Social, Health and Safety Specialists are responsible for implementing the C-ESHS MSIPs, while the Environmental and Social Specialists of the Construction Supervision Consultant and the Environmental and Social Safeguards Officers NRPB will be responsible for overall monitoring of the C-ESHS MSIPs throughout the Project implementation.

Compliance monitoring comprises of on-site inspection of the construction activities to verify that measures identified in the C-ESHS MSIPs and that are included in the clauses for contractors are being implemented. This type of monitoring is similar to the normal technical supervision tasks ensuring that the Contractor is achieving the required standards and quality of work.

The following reports will be prepared on the implementation of C-ESHS MSIPs:

- Monthly environmental and social monitoring reports by the Contractor on the status of implementation of environmental, social, health and safety aspects, and

The topics to be covered in these reports are summarized below:

- Environmental and social incidents or non-compliance with contract requirements
- Health and safety incidents, accidents, injuries and all fatalities that require treatments
- Inspection of workers accommodation (in case of labor influx) and working conditions - and community grievances
- Training conducted and their content
- Environmental and social issues encountered and how they were mitigated
- Compliance status on C-ESHS MSIPs requirements

4.4 Guidance for Preparing Specific ESMPs for Major Works

At the time of the preparation of this revised version of ESMF it is expected that no major works will be carried out within the Scope of ERP 1 and therefore no site-specific ESMP will be required. However, should circumstances change and major works be implemented, NRPB will prepare stand-alone ESMPs regarding the specific risks of the works. This section describes the step-by-step methodology to be followed for the design and implementation of activities associated with major works.

4.4.1 Environmental and Social Screening of Proposed Activities

As a first step, environmental and social screening of each sub-component will be carried out using a screening checklist Table 3-3 for environment and Table 3-4 for social. The screening will help to get an idea about the degree and extent of environmental and social impacts of an activity. This preliminary identification of possible impacts will serve as a guide to identify further detailed environmental and social assessments. This environmental and social screening will be carried out through:

Reconnaissance of the subcomponent area and identification of the presence of environmental and social sensitive receptors;

Identification of major subcomponent activities;

Preliminary assessment of the probable environmental and social impacts of different activities during construction and operational stages.

4.4.2 Labor Issues

Hurricane Irma has exacerbated unemployment in Sint Maarten. At the same time, there may not be enough skilled construction workers to satisfy the demand in the sector. The project will ensure that any workers brought into the country for the Bank-financed projects receive fair treatment and are offered acceptable living and working conditions. The project will also ensure that the influx of workers is managed in a way that avoids social conflicts, impacts on community health or the risk of gender-based violence. Basic requirements will be incorporated into the international requests for tenders and contracts. All workers financed through the project will be required to sign Codes of Conduct to safeguard fellow workers and the community against sexual exploitation, harassment sexual abuse and other similar negative impacts.

The Contractor's representative or community liaison staff must have the ability to communicate in the local language of the community.

4.4.3 Health and Life Insurance

Employers should either provide health insurance or make appropriate arrangements for expatriate workers to receive medical attention and, if necessary, repatriation in case of sickness, injury or death. Locally hired workers must be covered by health insurance through the Social & Health Insurances SZV or other health insurance arrangement to be paid for by the contractor.

The social screening will include a description of several types of labor to be used under the project and the anticipated health and safety, and community risks, including labor influx and Gender-Based Violence. These potential risks should be assessed and measures to address them shared with the contractor.

4.4.4 Baseline Data Collection

Baseline environmental and socioeconomic conditions of the affected households will be collected through structured interviews with the affected people.

4.4.5 ESHS Risk Mitigation Measures for Major Works

Mitigation measures presented in Table 4-1 will also be implemented for works classified as Moderate Works and Major Works as per sub-section 3.4. The Procurement Specialists in close coordination with the Environmental and Social Safeguards Officers will adjust when necessary and incorporate the standard mitigation measures in the corresponding bidding documents, requests for quotes, draft contracts, and ensure provisions are included in the final contracts signed for the construction of works. Additional mitigation measures will be adopted for heightened, specific risks. The standard mitigation measures are based on the relevant policies of GoSM, the World Bank Safeguard Policies and the World Bank Group Environmental, Health, and Safety Guidelines, and how they have been considered while designing the Project and preparing the ESMF.

4.4.5.1 Disaster Preparedness

Contractors for major works must develop procedures to address the risk of further natural disasters (hurricanes and earthquakes) and fires. When relevant, they must ensure workers have access to hurricane shelters. Workers must be familiarized with the emergency procedures during induction and as part of regular health and safety follow-up sessions.

4.4.5.2 Labor Influx

When worker influx from outside Sint Maarten is considered, preparation of accommodation of workers must be considered. Because of the damage caused by Hurricane Irma, there is a shortage of affordable accommodation on Sint Maarten. Contractors for major works will be asked to arrange suitable accommodation for workers coming from outside the country. This could take the form of temporary housing facilities or arrangements made with hotels/guest houses. The accommodation must provide workers with adequate sanitary facilities, beds and space for their personal effects. Workers must be provided with return tickets to ensure that they can return to the place from which they were hired.

4.4.5.3 Community Engagement and Consultation

In addition to the measures indicated in Table 4-1, contractors must prepare a Community Communication and Consultation plan to ensure stakeholders are aware of the works and impacts and how to access the grievance procedure.

4.4.5.4 Code of Conduct

The NRPB has adopted a Code of Conduct to ensure Environmental, Social, Health and Safety measures are adopted by the Bureau and its contractors. The Contractor, while committing to the NRPB Code of Conduct, shall draft and commit to an NRPB approved Code of Conduct regarding Environmental Social Health and Safety with all its staff before mobilizing them into the construction. The code of conduct will include the responsibilities and accountability of the workers in dealing with the community and following the instruction from the supervisor. The NRPB will include request of CoCs for all contractor of major works. For details please see Annex 4.

4.4.5.5 Infectious Diseases or Emerging Pandemics (e.g., COVID-19)

During the Covid 19 pandemic, the NRPB adopted the Covid 19 Policies which were being implemented by the Government of Sint Maarten and modified as required in its own Covid 19 Protocols. However, additional protocols were implemented to reflect international and World Bank practice for Covid 19 Management on construction sites.

Contractors to be engaged for the NRPB projects were expected to prepare and submit Covid 19 Protocols as part of the C-ESMP, also reflecting these guidelines. Some of the special provisions which were required for Covid 19 Protocols on a construction site included those listed below. When there are risks of the spread of infectious diseases or emerging pandemics among workers and community members in the project areas, contractors shall prepare and implement a management plan for infectious diseases or emerging pandemics. Similar protocols could be applied for the management of infectious diseases or emerging pandemics, such as Covid 19.

- a) A Site Supervisor or senior staff should be identified as a focal point to deal with issues related to the disease. The focal point will be responsible for coordinating preparation of the site and making sure that the measures taken are communicated to the workers, those entering the site and the

resident community. An alternative/back-up will also be designated, in case the focal point becomes ill. The back-up will be aware of the safety arrangements that are in place.

- b) Workers will be encouraged to use the existing project grievance mechanism to report concerns relating to the disease, preparations being made by the project to address disease-related issues, how procedures are being implemented, and concerns about the health of their co-workers and other staff.
- c) The Contractor shall develop a management plan for infectious diseases and emerging pandemics. They will be expected to, inter alia:
 - Prepare a detailed profile of the project work force, key work activities, schedule for carrying out such activities, different durations of contract and rotations, those from the resident community, those from outside, underlying conditions, or otherwise at risk.
 - Ensure minimum movement in and out of the site by employees to reduce interaction with external parties
 - Conduct regular health checks, particularly for symptoms of the disease.
 - Control entry/exit to work site by employees to restrict movement by securing the boundaries of the site, establishing entry/exit points
 - Confirm that employees are fit for work
 - Train security staff who will be monitoring entry to the site
 - Check the general condition of employees (particularly specific symptoms of the disease which have been identified, eg temperature) entering the site and during daily briefings remind staff to self-monitor
 - Prevent any worker from an infected area or who has been in contact with an infected person from returning to the site for the required period (as determined by national regulations)
 - Train workers and staff on site on the signs and symptoms of the disease, how it is spread, how to protect themselves, and what to do if they or other people have symptoms. (Tool-box Training)
 - Placing posters and signs around the site, with images and text in local language.

4.4.5.6 Contractor's Environmental and Social Management Plan

As a requirement under the bidding documents, the Contractors for all possible major works will need to submit a Contractor's Environmental and Social Management Plan prior to their mobilization for NRPB approval. This plan will include the following site-specific management sub-plans/chapters that will be prepared in compliance with the requirements of the bidding documents, ESMF and World Bank EHS guidelines:

Mobilization strategy

Traffic management plan

Pollution prevention plan

Asbestos Removal (temporary and permanent) Plan

Mold removal (temporary and permanent) plan

Waste management plan

Community ESHS Plan (including a Community Engagement and Consultation Plan and a Complaint management procedure for community complaints)

Labor management strategies

Code of conduct for the workers

Occupational health and safety

Fuels and hazardous substances management plan

Emergency preparedness plan

Management Plan for infectious diseases or emerging pandemics (e.g., COVID-19, when applicable)

In addition, the Contractor will need to submit a Job Safety/Hazard Analysis at the beginning of construction works at each new site where major works will be implemented, addressing the measures associated with various hazards at the work sites. These reports will be reviewed and approved by the NRPB after ensuring the mitigation measures proposed in the analysis are in place at the work sites.

4.4.6 Compliance Monitoring and Reporting

The Contractor's Environmental, Social, Health and Safety (ESHS) Specialists are responsible for implementing the ESMF, while the Environmental and Social Specialists of the Construction Supervision Consultant and the Environmental and Social specialists from the NRPB will be responsible for overall monitoring of the EMSPs throughout the Project implementation.

Compliance monitoring comprises of on-site inspection of the construction activities to verify that measures identified in the ESMF and that are included in the clauses for contractors are being implemented. This type of monitoring is similar to the normal technical supervision tasks ensuring that the Contractor is achieving the required standards and quality of work.

The following reports will be prepared on the implementation of ESMF:

Monthly environmental and social monitoring reports by the Contractor on the status of implementation of environmental, social, health and safety aspects, and

Quarterly environmental and social monitoring reports by the NRPB on the status of implementation of environmental, social, health and safety aspects

The topics to be covered in these reports are summarized below:

Environmental and social incidents or non-compliance with contract requirements

Health and safety incidents, accidents, injuries and all fealties that require treatments

Inspection of workers accommodation and workers and community grievances

Training conducted and their content

Environmental and social issues encountered and how they were mitigated

Compliance status on ESMF requirements

4.4.7 Submission of ESMPs and ARAP for World Bank Clearance

For major works draft stand alone ESMPs and ARAP for each subcomponent will be submitted to World Bank no objection before initiating any construction works.

4.5 Preparation of Abbreviated Resettlement Action Plans

4.5.1 Involuntary Resettlement Initial Assessment

Currently no land acquisition for right of way works on cabling is anticipated under the project. However, some of the works could possibly require relocation of buildings on the same site. For the sub-components 3.1 and 3.2 there are health and safety risks that may potentially require the residents to be relocated during the works and so World Bank OP 4.12 Involuntary Resettlement is triggered.

As a result, guidance on the preparation of ARAPs is provided. All beneficiaries will be consulted upon to give the opportunity for input and the final document will be disclosed prior to the start of works.

4.5.2 Processes and Activities for Preparation of ARAP

In the Home Repair program beneficiaries with minor works that require temporary relocation are entitled to compensation. An ARAP is prepared and submitted to World Bank for no objection before the start of works. All beneficiaries receive the compensation and/or other assistance prior to start of works.

Activities to be carried out for preparation of ARAP include:

- Signing of Homeowner agreement by NRPB, Contractor and Beneficiary.

- House visit by the Activity Manager to update the beneficiaries on the works plan.

- Inspection to confirm temporary relocation and obligations of the homeowner agreement are met.

- Start works by contractor and Supervised by engineering consultant.

- Monitoring works and reporting to beneficiaries by the Activity Manager.

A template for an ARAP and an outline for an entitlement matrix is Annex 5.

4.6 Grievance Redress Mechanism

NRPB has a Grievance Redress Mechanism (GRM) in place and available for all stakeholders. This mechanism will be communicated broadly and designed in a way that is accessible to all. Complaints are a valuable source of feedback and a valuable tool for organizational development. Diligent and prompt attention to complaints can help identify the needs of persons that encounter the National Recovery Program Bureau, understand the shortcomings, increase satisfaction and improve the overall performance of the staff of the Bureau.

The objective of the complaint procedure for this project is to ensure that the National Recovery Program Bureau handles complaints fairly, efficiently and effectively. The Bureau aims to provide quick and effective resolution to concerns and complaints.

NRPB's complaint procedure intends to:

- enable us to respond to complaints in a timely and cost-effective way

- boost public confidence in our work and administrative processes, and

provide information on complaints to enhance and give a quality impulse to our products and services.

All contracts for works will incorporate specific references to the application and enforcement of NRPB GRM for the different categories of complaints, such as community -, workers -, and GBV complaints. The Contractor's GRM and the NRPB's GRM work in a 2-tier structure. Depending on the category of the complaint, contractors will be required to address complaints and resolve them within 15 days or escalate complaints to the NRPB. The NRPB Social safeguards Officer will monitor the implementation of the GRM, and where needed the establishment of a permanent and/or ad-hoc Grievance Redress Committee (GRC) to address stakeholders concerns throughout project implementation. Details of the Grievance Redress Mechanism is presented in Annex 2 and can be found at the NRPB's website; <https://nrpbxm.org/complaints-procedure/>.

4.7 Incidents and Accidents Reporting

4.7.1 Contractor Responsibilities

Despite significant efforts to manage environmental and social risks associated with project activities, incidents may occur. Contractors must have a written/documented procedure for the managing of incidents and accidents related to the project. The incident management and reporting process may comprise below steps.

- ✓ Step 1 Initial Communication – notify the relevant authorities, Supervisor and NRPB
- ✓ Step 2 Classification – identify how serious is the incident
- ✓ Step 3 Investigation – conduct root cause analysis (RCA) and identify necessary set of measures to as appropriate to address the root causes (aka corrective action plan (CAP))
- ✓ Step 5 Response – implement corrective actions
- ✓ Step 6 Follow Up – completion of corrective actions and develop necessary preventive actions to prevent similar incidents occurring in the future

Contractor shall report any accidents/incidents to the NRPB in writing within 24 hours after the incident, and immediately after the occurrence via email. Incidents/accidents to be reported include, but are not limited to, the following:

- i. Inspection, investigation by, or warning or official order from, government regarding a (possible) violated policy, permit or legislation or permit conditions.
- ii. Any work-related fatality;
- iii. Accidents requiring medical treatment, in case of hospital admittance, in case of medical leave days, in case of permanent complete or partial invalidity of an employee, fractured or cracked bones or teeth, punctured eardrums or hearing loss;
- iv. Near miss events, which are legally required to be reported by the Contractor to the Labor Department immediately, no later than three days; following the [NATIONAL REGULATIONS containing \(general\) measures \(provisions\) for the security of work in enterprises \(overheid.nl\)](#).⁴

⁴ [LANDSVERORDENING houdende bepalingen tot beveiliging van de arbeid in ondernemingen \(overheid.nl\)](#).

- v. A significant environmental incident as a consequence of which major pollution (air, water, noise, or land) or a significant adverse environmental impact (wildlife or local habitat) has occurred, is occurring, or is likely to occur;
- vi. Any allegation of gender based violence (GBV), sexual exploitation or abuse, sexual harassment or sexual misbehavior, rape, sexual assault, child abuse, or defilement, or other violations involving children.
- vii. Reported Code of Conduct violations in regard to human rights, discrimination against workers, drugs or other illegal activities, fraud & corruption, and conflict of interest;
- viii. Significant adverse effects or damage to private property (e.g., vehicle accident, damage from fly rock, working beyond the boundary);
- ix. Discovery and/or damage to cultural heritage, artifacts, monuments, sacred grounds, etc.;
- x. Significant encroachment on private property, burglary or theft of assets;
- xi. Displacement Without Due Process: The permanent or temporary displacement against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection and/or in a manner that does not comply with an approved resettlement action plan.
- xii. Burglary or theft of assets
- xiii. Any confirmed Covid-19 case, or other infectious disease
- xiv. Indication or incidents of child labor, forced labor or undocumented workers.
- xv. Sexual Orientation and Gender Identity (SOGI) related violence or discrimination incidents.
- xvi. Any indication of gender based violence (GBV), sexual exploitation or abuse, sexual harassment or sexual misbehavior, rape, sexual assault, child abuse, or defilement, or other violations involving children.
- xvii. Acts of Violence/Protest: Any intentional use of physical force, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, deprivation to workers or project beneficiaries, or negatively affects the safe operation of a project worksite.

The initial report from Contractor shall address the following questions.

- What was the incident? What happened? To what or to whom? ● Where and when did the incident occur? ● What is the information source? How did you find out about the incident? ● Are the basic facts of the incident clear and uncontested, or are there conflicting versions? ● What were the conditions or circumstances under which the incident occurred? ● Is the incident still ongoing or is it contained? ● Is the loss of life or severe harm involved? ● How serious was the incident? How is it being addressed?

For the initial report, depending on the nature of incident/accident, the Contractor shall use the reporting forms attached in [Annex 6](#).

After the initial written reporting, the Contractor shall undertake a root cause analysis and propose appropriate measures to avoid future incidents. A detailed report shall be submitted in writing, for NRPB's approval, within 3 days. After the Contractor's initial reporting on the root cause analysis (RCA) and corrective action plan (CAP), the Contractor should also report the completion of corrective actions and

possible preventive actions. In case of a GBV incident, the Contractor follows the instructions from the NRPB.

A root-cause analysis of an incident reports the sequence of events and factual circumstances. The analysis identifies what failing(s) led to the accident, what safety measures were in place, and the risk information/training provided to workers on site. The level of supervision of unskilled labor should also be assessed. A root-cause incident investigation report for the accident, including corrective measures is expected to improve OHS conditions at the given site.

For the root cause analysis and Corrective Action Plan, depending on the nature of incident/accident, the Contractor shall use the reporting forms attached in [Annex 6](#).

4.7.2 NRPB Responsibilities

NRPB shall promptly notify the World Bank, within 72 hours after learning of the incident or accident, of any incident or accident related to or having an impact on the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers. The Incident Forms Part B (see [Annex 6](#)) template will be used for reporting according to the incident category. The following are incident types to be reported using the environmental and social incident response process:

- i. **Fatality:** Death of a person(s) that occurs within one year of an accident/incident, including from occupational disease/illness (e.g., from exposure to chemicals/toxins).
- ii. **Lost Time Injury:** Injury or occupational disease/illness (e.g., from exposure to chemicals/toxins) that results in a worker requiring 3 or more days off work, or an injury or release of substance (e.g., chemicals/toxins) that results in a member of the community needing medical treatment.
- iii. **Acts of Violence/Protest:** Any intentional use of physical force, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, deprivation to workers or project beneficiaries, or negatively affects the safe operation of a project worksite.
- iv. **Disease Outbreaks:** The occurrence of a disease in excess of normal expectancy of number of cases. Disease may be communicable or may be the result of unknown etiology.
- v. **Displacement Without Due Process:** The permanent or temporary displacement against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection and/or in a manner that does not comply with an approved resettlement action plan.
- vi. **Child Labor:** An incident of child labor occurs: (i) when a child under the age of 14 (or a higher age for employment specified by national law) is employed or engaged in connection with a project, and/or (ii) when a child over the minimum age specified in (iii) and under the age of 18 is employed or engaged in connection with a project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.
- vii. **Forced Labor:** An incident of forced labor occurs when any work or service not voluntarily performed is exacted from an individual under threat of force or penalty in connection with a project, including any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor-

contracting arrangements. This also includes incidents when trafficked persons are employed in connection with a project.

- viii. **Unexpected Impacts on heritage resources:** An impact that occurs to a legally protected and/or internationally recognized area of cultural heritage or archaeological value, including world heritage sites or nationally protected areas not foreseen or predicted as part of project design or the environmental or social assessment.
- ix. **Unexpected impacts on biodiversity resources:** An impact that occurs to a legally protected and/or internationally recognized area of high biodiversity value, to a Critical Habitat, or to a Critically Endangered or Endangered species (as listed in IUCN Red List of threatened species or equivalent national approaches) that was not foreseen or predicted as part of the project design or the environmental and social assessment. This includes poaching or trafficking of Critically Endangered or Endangered species.
- x. **Environmental pollution incident:** Exceedances of emission standards to land, water, or air (e.g., from chemicals/toxins) that have persisted for more than 24 hrs or have resulted in harm to the environment.
- xi. **SEA/SH: Sexual Exploitation:** Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes. **Sexual Abuse:** Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- xii. **SOGI:** Violence on the basis of SOGI or Discrimination on the basis of SOGI.
- xiii. **Other:** Any other incident or accident that may have a significant adverse effect on the environment, the affected communities, the public, or the workers, irrespective of whether harm had occurred on that occasion. Any repeated non-compliance or recurrent minor incidents which suggest systematic failures that the task team deems needing the attention of Bank management.

A subsequent report after investigation will be submitted to the Bank in a timeframe acceptable to the Bank. The report will include a description of such Significant Event, and the measures, if any, that the Recipient is taking or plans to take to address such Significant Event and to prevent any future similar event. In case the accident resulted in fatality/injury for worker or member of the public, then the accident Form Part C ([Annex 6](#)) template will be used for reporting. In case of SEA/SH and SOGI incidents then the corresponding Part C forms shall be used (also in [Annex 6](#)).

The description of the Event shall address the following questions (if possible and relevant).

- What was the incident? What happened? To what or to whom?
- Where and when did the incident occur?
- What is the information source? How did you find out about the incident?
- Are the basic facts of the incident clear and uncontested, or are there conflicting versions?
- What were the conditions or circumstances under which the incident occurred?
- Is the incident still ongoing or is it contained?
- Is the loss of life or severe harm involved?
- How serious was the incident? How is it being addressed?

The report will contain a Root Cause Analysis (RCA), highlighting the reasons that lead into this incident. The Event description and RCA analysis will be shared with the World Bank preferably within 10 days after the occurrence of the Event. The RCA will be discussed with the Bank and agreements will be made on the corrective actions.

NRPB will prepare a Corrective Action Plan which will describe the set of measures (short, medium, long term), responsibilities and timelines for implementation, as appropriate to address the root causes to help prevent any recurrence of the incident and discuss this plan with the Bank. The Corrective Action Plan should be based around a summary table, with additional supporting text and information to adequately describe the measures and how they will achieve the corrective actions to address the immediate, underlying, and root causes identified in the investigation report. The Corrective Action Plan template found under **Annex 6** should be used.

NRPB will keep the World Bank informed of the on-going implementation of the said measures and plans. Incidents that do not require immediate WB reporting (based on requirement) will be still included in the semi-annual project reports, in agreement with NRPB.

5. Project ESMF Implementation Arrangements

5.1. Institutional Arrangements for the Project

Execution of activities under the Component 1 will be carried out by the NRPB with technical input from VROMI and the specialized recipient agencies namely the Ambulance Department (Ministry of Public Health, Social Development and Labor, VSA), the Fire Department (Ministry of General Affairs), the Meteorological Department of Sint Maarten (TEATT), Ministry of Education, Youth and Sports (MECYS), and the Police Department (Ministry of Justice), with the support from the World Bank.

Activities of the Sub-component 3-1 will be conducted under the auspices of the NRPB.

Activities of the Sub-component 3-2 will be conducted under the auspices of the NRPB, with technical oversight from the SMHDF.

5.1.1. National Recovery Program Bureau (NRPB)

The government has established the National Recovery Program Bureau (NRPB) that will be responsible for the implementation of this project as well as all other recovery and resiliency projects selected by the SDTF's Steering Committee under the NRRP. The Bureau will carry out technical, administrative, legal, financial and procurement responsibilities and be staffed to lead project implementation. It will have overall responsibility for ensuring compliance with fiduciary agreements and procurement guidelines, social and environmental management, and monitoring, reporting and evaluation of processes and results. It will coordinate technical designs of the projects with relevant ministries and conduct consultative and reporting functions. NRPB will also conduct the procurement of equipment, goods and services with technical inputs from relevant ministries and/or agencies.

The NRPB will be the single point of coordination for national and international stakeholders concerning the recovery, reconstruction and resilience projects that are financed through the SDTF; and will be responsible for ensuring the inclusion of the ministries, and any other stakeholders throughout all phases of these projects.

The NRPB, will work closely with the accountable ministries' as the focal points and/or project coordinators will:

Ensure timely involvement of, ministry focal points and/or project coordinator, as well as stakeholder's representatives, including the facility manager, during planning stages for the repairs to stakeholder buildings.

Share draft plans with relevant stakeholder’s representatives and relevant ministry counterparts

Identify the person directly responsible for the facility, with whom close coordination will be ensured through the project

Where necessary, review contingency plans prepared by line ministries, including actions to be taken during the construction phase.

Provide regular updates to stakeholders and ministry counterparts during the construction phase.

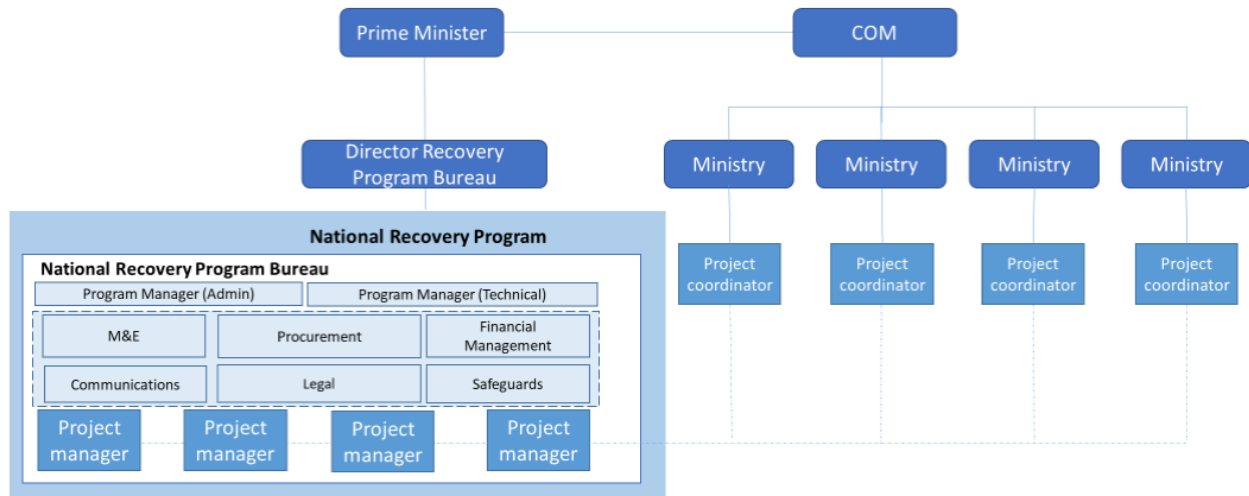


Figure 5.1. Organization of Responsibilities for the Overall Recovery Program

5.1.2. Other Ministries and Agencies of the Sint Maarten Government

The co-executing ministries/agencies will be responsible for the technical inputs and oversight in the preparation and implementation of specific activities. The project coordinators for each specific activity benefiting a ministry/agency will sit in the said ministry/agency. The relevant ministries and/or agencies will provide inputs to NRPB during processes such as procurement and environmental and social management. Relevant ministries and/or agencies include MGA (fire station and the police station); VSA (public health, social development and labor); TEATT (Hydro-meteorological office); GEBE (utility – water and electricity); Ministry of Public Housing, Environment, Spatial Development and Infrastructure – VROMI (private house home repairs and public buildings); and SMHDF (social housing repairs).

VROMI will provide technical inputs in the technical design and supervision aspects of the works while the fiduciary and safeguards requirements will be overseen by the NRPB. The NRPB will undertake the repairs of the public buildings including the fire station, police station, shelters and schools, with VROMI’s technical inputs. NRPB will engage external designing and supervision support through consulting firms to implement a project of this magnitude. Details of the relevant ministries and their focal points are given in Table 5-1.

Table 5.1. Ministries/Agencies Focal Points and Specific Project Coordinators

Ministry/Agency	Project Activities (if any)
MECYS	School Repairs. Vehicles

MGA	Fire Department Repairs and Goods, Fire Trucks, Vehicles
Ministry of Finance	Vehicles
TEATT	MDS Goods, Design, Computer Equipment, and Vehicles
VROMI	Home Repairs, Shelter Repairs, Public Building Repairs, Vehicles, Computer Equipment, LIDAR scan
VSA	Home repairs, Ambulance Services, Vehicles
MinJUS	Police Station Repairs
GEBE	ERP 1 Component 2
SMHDF	SMHDF Home Repairs

5.1.3. World Bank

There will be a significant demand on the World Bank Hands on Expanded Implementation Support to assist with project management and implementation. The agencies within the Government of St. Maarten are unfamiliar with the environmental and social safeguard procedures at the World Bank. Additionally, the demands of the recovery program are diverse and considerably greater than what the pre-hurricane levels government agencies were designed to manage.

The Bank will provide general oversight of project activities particularly with respect to the environment and social safeguards.

5.2. Institutional Arrangements for Implementation of ESMPs

Details of environmental and social staff associated with various consultants and contractors to be engaged under the Project are summarized below:

Environmental and Social Staff in the NRPB. The NRPB has engaged three Environmental Safeguards Specialists and two Social Safeguards Specialists. The specialists will assist the NRPB on issues related to the management of the environmental and social safeguards, supervise the contractors for small works, and oversee the applicable E&S staff of the Construction Supervision Consultant (CSC) and contractors for moderate, major works. For Major works the Specialists will compile quarterly monitoring reports on ESMP compliance, to be sent to the Project Manager and shared with the World Bank, throughout the construction period.

ESMP Consultants. The NRPB will procure services of a consulting firm for preparation of specific ESMPs and ARAPs when applicable.

Design Engineering Consultant: The Design Engineering Consultant will be responsible for the preparation of detailed designs and bidding documents for the subcomponents. The Environmental and Social specialists of NRPB and CSC will be responsible for ensuring the incorporation of environmental and social requirements in the bidding documents.

Construction Supervision Consultant (CSC). The CSC will ensure adherence to the design parameters including quality requirements, as well as all ESMP measures related to construction. CSC will consist of adequate Environmental and Social Safeguards Officers.

Contractors: Contractors will also have adequate environmental, health and safety specialists to implement the environmental and social management plans of the ESMP.

Monitoring and Evaluation Consultants (M&E Consultants). The NRPB will also engage an independent organization to carry out third-party monitoring, including environmental and social aspects, during project implementation.

Roles and responsibilities of NRPB's environmental and social staff and consultants for environmental and social management of the Project are given in Table 5.2.

Table 5.2. Roles and Responsibilities in Environmental and Social Management of the Project

Organizations	Responsibilities
NRPB	<ul style="list-style-type: none"> • Ensure that all project activities are well-managed and coordinated. • Recruitment of consultants for ESMF studies; and approval of ESMF by WB • Procurement of works and goods. • Payment of compensation to the project affected households • Recruitment and supervision of Consultants
NRPB Environmental and Social Specialists	<ul style="list-style-type: none"> • Carrying out an environmental and social assessment in compliance with the World Bank guidelines following the ESMF • Provide guidance to the contractor on implementation of ESHS aspects and provide training to the contractor's staff for small works • Prepare Tor for specific ESMPs for inclusion in the bid documents • Monitoring of the implementation of ESMPs and ARAPs • Manage NRPB GRM.
CSC	<ul style="list-style-type: none"> • Supervise civil works, ensuring compliance with all design parameters including quality requirements and ESMP implementation • Provide guidance to the contractor on implementation of ESHS aspects and provide training to the contractor's staff
Contractor (Major Works)	<ul style="list-style-type: none"> • Prepare construction environmental and social action plans with site-specific mitigation measures. • implementation of mitigation and monitoring measures proposed in the ESMP • Each contractor will recruit an ESHS Specialist, who will be responsible for implementing the contractors' environmental, social, health and safety responsibilities, and liaising with government agencies. For smaller works, the Contractor will designate one of its senior site engineers as the Focal Point for ESHS aspects.

5.3. Capacity Building and Training

The NRPB will take the lead in requiring contractors to implement an ESHS capacity building plan, though the contractors will also be responsible for conducting ESHS awareness for their own staff and workers. The various aspects that are covered under the capacity building will include general environmental and social awareness, key environmental and social sensitivities of the area, key environmental and social

impacts of the project ESMF requirements and OHS aspects. NRPB may revise the plan during the project implementation as required.

5.3.1. ESHS training

An ESHS training organized by the Supervision Consultant in consultation with the NRPB for the minor home repairs project was held on September 26th, 2019. The interactive session covered all relevant ESHS topics and attendance was mandatory for consultants, (sub-) contractors and personnel involved.

Table 5.3. Environmental and Social ESHS Awareness Program

Contents	Participants	Trainer	Schedule
Impacts of the Project and ESMF requirements of the Contractor; World Bank Environmental and Social Standards; World Bank Group Environmental Health and Safety Guidelines. The contents for the second and subsequent training programs will cover topics related to the issues associated with on-going construction activities.	NRPB Technical Staff & Representatives of all implementing agencies	NRPB E&S Specialist, CSC, and World Bank	During project implementation (To be repeated as needed.)
E&S issues associated with the construction works ESMP requirements of the contractors. Workers health and safety	Construction crew	NRPB E&S Specialist, CSC, and Contractors ESHS Staff	Prior to the start of the construction activities and during the construction activities (To be repeated as needed.)

6. Stakeholder Consultations Framework

6.1 Stakeholders of the Project

A wide range of stakeholders are involved in Project planning and implementation. The NRPB, implementing agencies, government, and political representatives are the internal stakeholders of the Project. External stakeholders of the Project include; the impacted communities, individual beneficiaries, contractors, non-governmental organizations, civil society, private sector, small to medium size businesses and the media. For each component there will be a different list of stakeholders. In addition, general public is considered as stakeholders of the project. Stakeholders of project activity are listed below.

	Project Activity	Stakeholders
Component 1: Critical Disaster Preparedness and Response Infrastructure Repairs and Improvements	Police Station Repairs	- Ministry of Justice
		- Police Force (KPSM)
		- Surrounding Communities (businesses and residents) of the police stations
	Emergency Operations Center (EOC) Repair and Expansion	- Fire Station
		- Ministry of General affairs
		- Ambulance Services
		- Ministry of VSA
		- Surrounding Communities (businesses and residents) of the EOC
	Repair and Construction of the Meteorological Buildings	- Ministry of TEATT
		- Meteorological Services
		- Aviation Services
		- Surrounding Communities (businesses and residents) of the Meteorological buildings
	Emergency Shelters Repairs	- Ministry of VROMI
		- Ministry of ECYS (Schools, cultural centers, sports centers)
		- Ministry of VSA, Department of CDHFA (community councils of St. Peters, Dutch Quarter, and Simpson Bay)

		<ul style="list-style-type: none"> - Surrounding Communities (businesses and residents) of the shelters
Component 2: Restoring and Increasing Resilience and Water and Electricity Infrastructure	Restoring Electricity Services and Increasing Resilience of the Water System	<ul style="list-style-type: none"> - Restoring and Increasing Resilience and Water and Electricity Infrastructure GEBE
		<ul style="list-style-type: none"> - TELEM Sint Maarten
		<ul style="list-style-type: none"> - Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI)
		<ul style="list-style-type: none"> - Ministry of Justice
Component 3: Housing and Public Buildings Repairs and Reconstruction	Home Repair Program (private homes)	<ul style="list-style-type: none"> - Beneficiaries/homeowners
		<ul style="list-style-type: none"> - Ministry of VROMI
		<ul style="list-style-type: none"> - Ministry of VSA
	Emergency Support to Sint Maarten Housing Development Foundation (SMHDF)	<ul style="list-style-type: none"> - SMHDF
		<ul style="list-style-type: none"> - Beneficiaries, Tenants
		<ul style="list-style-type: none"> - Surrounding Communities
	Public Building Repairs (including repairs of schools, sports facilities and community centers)	<ul style="list-style-type: none"> - Ministry of ECYS
		<ul style="list-style-type: none"> - School Boards
		<ul style="list-style-type: none"> - School Management
		<ul style="list-style-type: none"> - Teachers and Students
		<ul style="list-style-type: none"> - Surrounding Communities

6.2. Guidance for Carrying Out Stakeholder Consultations

Overall the approach of consultations will be open and transparent fostering a two-way dialogue between stakeholders and the project. Specific consultation plans will be developed to ensure that project affected people are well informed of the project details in advance of any activities. For any further ESMF developed or for any project requiring resettlement, there will be a specific public consultation and disclosure process. Each consultation will be an opportunity to re-iterate the availability of the project grievance mechanism.

Stakeholder consultations will be carried out on each project component with the relevant stakeholders. While the NRPB are responsible for the co-ordination of the overall consultations, the accountable ministry will lead the implementation of the consultations. The consultations will be designed to allow for enough time to gather meaningful understanding and participation into the process.

Consultations on this ESMF will be held with an objective to share the findings of the ESMF and provide the stakeholders with an opportunity to participate in the project planning and implementation process.

The process to be followed for carrying out stakeholder consultations is:

Stakeholder analysis/list specific to the topic/project in question.

Methodology designed that is appropriate to the audience to ensure inclusive and meaningful participation.

Choice of various methods: informative emails, online publishing on several communication channels and face to face and informal individual interviews are the three most commonly adopted methods of stakeholder consultations and a mix of these can be employed under ERP1, as determined by the requirement.

Records made of all consultations.

For presenting the ESMF of ERP 1;

- The NRPB shared the updated ESMP with formal implementing partners by sending an email and requesting their comments and feedback on February 14th, 2020 with an intension that received comments would be consolidated into the latest version of the ESMP which will be disclosed on the NRPB website. For consultations on future standalone ESMPs, the NRPB may choose any of the above methods as appropriate.
- The updated ESMP was published on February 14th, 2020 to seek feedback from Public through following actions;
 - ✓ Public notice
 - ✓ Facebook posts
 - ✓ Newspaper article
- The process of these both consultations was completed on February 22th, 2020 with no comments received from public or formal implementing partners.
- The ESMP has since been updated and this updated version, now ESMF, dated October 20th, 2020 will be published to seek feedback from the Public in the same manner as previously described in the week of February 1, 2021.
- The updated ESMF of October 20th, 2020, will be published on the NRPB's website (<https://nrpbsxm.org/>), before the end of February 2021.
- The NRPB ensures the consultations are effective, well targeted, transparent, and early enough to make sure to get the stakeholder views adequately reflected in the project decisions.

Throughout the implementation stages of the Project, engagement of stakeholders will be promoted through:

Publishing and broadcasting the details and progress of the Project on the NRPB Website, the NRPB Facebook page, the NRPB LinkedIn page and various media channels including printed media, radio and television programs.

Promoting the NRPB Grievance Redress Mechanism, opened to the public to receive feedback and grievances on the Project.

6.3. Stakeholder Consultation and Feedback Received

Component 1

For the works at public offices, like police stations, EOC, meteorological buildings and shelters, continuous dialogue is taking place between NRPB and the benefiting institutions through regular meetings. When works are starting, regular progress meetings will be organized by the works supervisor with stakeholders, contractor and NRPB. Reporting on environmental and social issues are standard on the agenda. Stakeholders are also informed about the GRM.

Component 3

Home repair program (private homes)

The consultation process for the pilot was primarily one on one given the geographical distance between households and also due to the personal nature of the work and target group (mostly elderly). The consultation will be carried out directly with the households by the Activity Manager which will be recorded and logged. During the consultation, the Activity Manager informed the beneficiaries that a trusted party can be present. The Activity Manager will be the liaison for the beneficiaries throughout the entire process from start of works to relocation and back into the home. A direct contact number has been allocated and promoted to the beneficiaries, which will be managed by the Activity Manager. After the consultation, continuous engagement with the beneficiaries will be conducted. The process of the works will be monitored and communicated to the beneficiaries. The Activity Manager has prepared an information booklet on the ESMF (as part of the continuous consultation and engagement process) and will be in direct contact with neighbors throughout the process of the works.

Annex 5 reflects ongoing and future methodologies regarding the home repairs approach for technical and social assessment and preparation of temporary relocation.

Feedback

The outcome of the consultation is that all Beneficiaries are positive and very eager to get their house fixed. The only concern was when the works will begin. All beneficiary that had minor works with relocation indicated that they are willing to relocate temporarily so that the works can take place.

6.4. Access to Information

This ESMF and all project related documents will be disclosed on both the NRPB and World Bank websites. Stakeholders will be informed about the availability of the ESMF on the website through project meetings, announcements on the website and social media channels. Quarterly environmental monitoring reports on the implementation of ESMF will be disclosed on the NRPB website <https://nrpbsxm.org/>

Annex 4 presents the list of meetings, stakeholders, inputs received and how inputs were addressed in the ESMF.

Annex 1. Applicable Government Regulations and World Bank Environmental and Social Standards

Sint Maarten, previously part of the Dutch Antilles, became an independent country within the Kingdom of the Netherlands on October 10, 2010. Sint Maarten has full autonomy for internal affairs including the environmental legislation, the Dutch government being responsible for defense and foreign affairs.

According to Article 22 of the 'Constitution of the Country of Sint Maarten,' It shall be the constant concern of the government of Sint Maarten to keep the country habitable and to protect and improve the natural environment and the welfare of animals.

A list of the ordinances, policies and decrees related to environmental protection that may be relevant to this Project are given below and some of these ordinances are further elaborated in the following sections:

- **Building ordinance**
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/208512/208512_1.html
- **Building Decree in support of Article 19 of the Building Ordinance**
https://repository.officiële-overheidspublicaties.nl/cvdr/CVDR208531/1/html/CVDR208531_1.html
- The Organization Decree Public Housing, Spatial Planning, Environment and Infrastructure (AB 2010, no. 8, AB 2013, GT no. 145 and AB 2014, no. 67). Council decision, concerning general measures, to subdivide and further elaborate the Ministry of Housing, Spatial Planning, Environment and Infrastructure (VROMI):
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/208525/208525_3.html
- **National Ordinance containing regulations for Nature Management and Protection:**
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/142263/142263_2.html
- **National Decree containing general measures for Nature Management and Protection:**
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207435/207435_1.html
- **Environmental Standards Netherlands Antilles 2007 (Eindrapport Milieunormen Nederlandse Antillen 2007):**
<http://www.dcbd.nl/document/eindrapport-milieunormen-nederlandse-antillen-lucht-geluid-water-afvalwater-afval>

- **National Hindrance Ordinance:**
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208542/208542_2.html
 - **National Hindrance Decree:**
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208543/208543_1.html
 - **Waste Water National Ordinance:**
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208544/208544_3.html
 - **Waste National Ordinance:**
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/208510/208510_2.html
 - **General Police Ordinance**
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/Historie/Sint%20Maarten/207087/207087_1.html
 - **Traffic Ordinance**
https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207068/207068_2.html
- <https://decentrale.regelgeving.overheid.nl/cvdr/XHTMLoutput/Actueel/Sint%20Maarten/475613.html>
- **Link to government page to download the Hillside and Beach Policy:**
<http://www.sintmaartengov.org/government/VROMI/Pages/Ministry-Policies-and-Reports.aspx>

National Ordinance for the Foundations of Nature Protection and Management, 1999

The National Ordinance for the Foundations of Nature Protection and Management⁵ establishes laws for environmental management and the protection of fauna and flora species within the Sint Maarten island. The Ordinance provides the following key actions for environmental management:

Ramsar Convention, CITES Convention, Bonn Convention, SPAW Protocol, Biodiversity Convention, and Sea Turtle Convention are considered and to be followed with.

Nature plan is updated every five years.

Monitoring and investigation in compliance with the Ordinance is performed.

⁵. https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/142263/142263_2.html

Administrative enforcement and penalty fee are imposed on non-compliance.

National Decree of General Rules for Nature Protection and Management, 2003 (revised in 2010)

The National Decree containing general rules for Nature Protection and Management⁶ provides rules on the management and protection of flora and fauna and nature parks. The Decree provides the following key actions for environmental management:

- I. Nature park considered under management includes a protected area with ecological value, a geological value, a cultural history and an experience value.
- II. Other administrative bodies, institutions and organizations are also considered during the preparation of a nature plan. Public consultation is held for four weeks and is announced through publication in local newspapers in Dutch and English.
- III. A nature park can be wholly or partially abolished by national ordinance if the public interest exceeds the importance of preserving the nature park or the relevant part.
- IV. Actions that can damage the natural beauty or the value of a nature park is forbidden.

Waste Ordinance, 1993

Sint Maarten Waste Ordinance of February 23, 1993, provides regulations regarding the collection and disposal of residential waste, bulky wastes, liquid wastes, commercial waste, car wrecks and other categories of waste. The government is responsible for the collection of wastes generated from residential sites and dispose of it in the government operated landfill site on the island.

Collection of the waste generated from the commercial activities and its disposal in the government's landfill site is the responsibility of the owners of the commercial enterprises. The wastes generated during the proposed construction activities of the Project will also fall under the category of commercial waste. The Ordinance provides the following key actions for the management of commercial waste:

Those who produce commercial waste must bring it to the government indicated dumpsite on a regular basis and at their own expense.

They are authorized to place a third party in charge of this.

The Executive Committee of Island Territory can establish regulations regarding the days, times and manner in which commercial waste can be collected and transported.

It is forbidden to throw, put down or leave behind trash or remnants of provisions, paper, cans, bottles or another packaging on or by the road that is open to the public or a place nearby.

Violation of one of the prohibitions as determined by this Ordinance and failure to uphold one of the obligations as established by this Ordinance is punished by imprisonment for a maximum of two months or a maximum monetary fine of Netherlands Antillean Guilder (ANG) 1,000.

If as the violation or the failure to uphold the obligation takes place not a year as passed since an earlier conviction of the guilty party for a similar violation became irrevocable or since the voluntary compliance with a condition as set by the authorized civil servant of the Public Prosecutor on the basis of Article 76 of the Criminal Code of the Netherlands Antilles, the maximum term of imprisonment or monetary fine for sentencing can be doubled.

The Labor Legislation

⁶. https://decentrale.regelgeving.overheid.nl/cvdr/xhtmloutput/historie/Sint%20Maarten/207435/207435_1.html

Labour Legislation of St Maarten is extensive and covers a broad range of issues to regulate the labor relationship between employees and employers. It describes provisions concerning the work-times, periods of rest, overtime, nightshift, standby shift, holidays, safety, the prohibition of child labor, the prohibition of night work and dangerous work for youths. The core of the legislation consists of the Civil Code which regulates the relationship between employers and employees. Deviation from the Civil Code is limited only to specific cases. All parties have access to either the Court, or mediation via the Labor Department in case of disputes. Next, government has legislative tools to oversee specifics geared towards maintaining decent work, safety and equity. Legislation details can be seen at the GoSM website via this link: <http://www.sintmaartengov.org/government/VSA/labour/Pages/Labour-Legislation.aspx>.

For non-resident workers, the immigration legislation is applicable (in Dutch): <https://lokaleregelgeving.overheid.nl/CVDR142597/3>

Most relevant related Ordinances:

Veiligheidslandverordening (Safety Ordinance - AB 2013 GT no. 438) and Veiligheidsbesluiten I- III (Safety Decrees I-III - AB 2013 GT no. 348; no. 280; no. 350)

- Aim at enhancing the safety and health of laborers through the prevention of accidents and fire on the work floor and the promotion of a healthy working environment (e.g. temperature, light, sound, furniture, ambient air, provision of drinking water).
- The employer is obliged to properly implement and maintain adherence to all regulations and directives from these ordinances.
- Inspectors may issue a work stop order, until violations are properly resolved.
- Employers must report accidents on the work floor immediately to the labor inspectorate in case of death, in case of hospital admittance, in case permanent complete or partial invalidity of an employee may result and in case of an accident where coincidentally no personal injury was the result.
- In case of an industrial company with more than 100 employees, a dedicated person responsible for safeguarding the health and safety of the employees must be appointed.
- Safety decree I: regulations on working environment (e.g. lighting, hygiene, temperature, ambient air quality, first aid; restrooms, changing rooms, canteens, night accommodations, PPE, safe operation of machinery, accident prevention).
- Safety decree II: detailed regulations on scaffolds, suspended working floors, gangways, ladders, working on roofs, cranes, lifting gear, winches, pulleys, suspensions, safety around construction and demolition sites.
- Safety decree III: detailed regulations on construction, installation, operation and maintenance of reservoirs for liquids and gases.

ArbeidVreemdelingen (Labor by Foreigners - AB 2013 GT no. 357)

- Applies to all foreigners seeking to be employed on SXM (non – Dutch nationalities), unless admitted into SXM by operation of the law (“van rechtswege toelating” article 3 LTU).
- Prohibited to work without a work permit (article 2).

Arbeidsregeling (Labor Regulations - AB 2013 GT no. 356)

- Overtime compensation
- Basis 50 % of hourly wage
- Additionally 25 % if work is performed during rest time (175 % hourly wage)
- Additionally 50 % if work is performed during rest day (200 % hourly wage)
- Additionally 100 % if work is performed during a national holiday (250 % hourly wage)
- Overtime compensation schedule worker
- Basis 50 % of hourly wage
- Additionally 25 % if work is performed during rest time (175 % hourly wage)
- Additionally 25 % if work is performed immediately after nightshift (175 % hourly wage)
- Additionally 50 % if work is performed during a scheduled rest day (200 % hourly wage)
- Additionally 100 % if work is performed during a national holiday (250 % hourly wage)
- By means of a CLA lower increments can be agreed upon.
- When called to perform overtime work on a rest day or schedule free day, it must last at least 3 hrs.
- When the working time including overtime exceeds 10 hrs., the employer is obliged to provide a hot meal or an allowance in order to purchase a hot meal. By means of a CLA it can be agreed upon to deviate from these two regulations.
- It is prohibited to have children perform labor with the exception of school and camps.
- It is prohibited to have youth perform labor between 19.00 – 7.00.

Arbeidsbesluit Jeugdigen (Decree on Labor by Youth - AB 2013 GT no. 532)

- Based on article 21 of the National Ordinance on Labor Regulations.
- Children: up to 15 yrs. of age Youth: 15 up to 18 yrs. of age.
- It is prohibited to have youth work in an environment/ execute work where there is a direct/indirect threat to his/her health and/or safety and/or indirectly to others by having the youth executing the job (articles 2-27), unless in connection with a professional education training program under supervision.

LV Op het ter beschikkingstellen van arbeidskrachten (Ordinance on the provision of laborers - AB 2013 GT no. 841) (employment agencies)

- The provision of laborers for a fee to work in another company /institution.
- It is prohibited to provide laborers for a fee without a permit from the Minister VSA.
- A permit request procedure must be followed. The permit to be issued can be limited and conditioned.
- The provision of laborers for a fee to another company is only possible under certain circumstances and limited to a maximum of 12 months (article 6).

- A permit can be revoked by the Minister VSA.

Other related legislation;

- LV Minimumlonen (Ordinance Minimum wages - AB 2013 GT no. 351).
- LV Vakantieregeling (Ordinance on Mandatory Vacation - AB 2013 GT no. 345)

World Bank Safeguard Policies and Guidelines

The World Bank has developed several Safeguard Policies to ensure that all possible impacts are considered, and mitigation measures are spelled out before the implementation of any proposed project. These policies ensure that the quality of operations is uniform across different settings worldwide. If the decision is taken that a Safeguard Policy should be applied, mitigation measures and plans must be developed and in place before the implementation of a proposed project.

The Bank requires environmental and social screening and classification for all investment projects proposed for Bank financing, to help ensure that they are environmentally and socially sound and sustainable. Screening and classification consider the natural environment (air, water, and land); human health and safety; social aspects (including especially involuntary resettlement and presence of Indigenous Peoples); cultural property; and trans-boundary and global environmental aspects.

The objectives of environmental and social screening and classification are: to evaluate the environmental and social risks associated with a proposed operation; to determine the depth and breadth of Environmental and Social Assessment (ESA); and to recommend an appropriate choice of ESA instrument(s) suitable for a given project. The Bank recognizes that environmental and social screening and classification is not absolute and involves professional judgment on a case by case basis. When screening, careful consideration needs to be given to potential environmental social impacts and risks associated with the proposed project. Judgment is exercised with reference to the policy expectations and guidance; real impacts on the ground; and established regional and Bank-wide precedence and good practice.

The applicable WB safeguard policies are described below.

Environmental Assessment (OP/BP 4.01)

EA requirement. The World Bank requires environmental assessment (EA) of projects proposed for Bank support to ensure that they are environmentally sound and sustainable, and thus to improve decision making. The Bank Policy OP/BP 4.01 considers that EA is a process whose breadth, depth, and type of analysis depend on the nature, scale, and potential environmental impact of the proposed project. EA evaluates a project's potential environmental risks and impacts in its area of influence; examines project alternatives; identifies ways of improving project selection, siting, planning, design, and implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts; and includes the process of mitigating and managing adverse environmental impacts throughout project implementation. EA considers the natural environment (air, water and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples and physical cultural resources); and trans-boundary and global environmental aspects. The Bank Policy also envisages that the borrower Government is responsible for carrying out the EA and the Bank advises the borrower on the Bank's EA requirements.

The present ESMF has been prepared in compliance with this OP/BP.

EA classification. The World Bank classifies the proposed project into one of the four categories, depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of its potential environmental impacts. These categories are defined below.

Category A: A proposed project is classified as Category A if it is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works.

Category B: A proposed project is classified as Category B if its potentially adverse environmental impacts on human populations or environmentally important areas—including wetlands, forests, grasslands, and other natural habitats—are less adverse than those of Category A projects.

Category C: A proposed project is classified as Category C if it is likely to have minimal or no adverse environmental impacts. Beyond screening, no further EA action is required for a Category C project.

Category FI: A proposed project is classified as Category FI if it involves an investment of Bank funds through a financial intermediary (FI), in sub-projects that may result in adverse environmental impacts.

Natural Habitats (OP 4.04)

The Policy highlights the importance of conservation of natural habitats, like other measures that protect and enhance the environment, for long-term sustainable development. The Bank, therefore, supports the protection, maintenance, and rehabilitation of natural habitats and their functions in its economic and sector work, project financing, and policy dialogue. The Bank also supports and expects borrowers to apply a precautionary approach to natural resource management to ensure opportunities for environmentally sustainable development. The Bank promotes and supports natural habitat conservation and improved land use by financing projects designed to integrate into national and regional development the conservation of natural habitats and the maintenance of ecological functions. Furthermore, the Bank promotes the rehabilitation of degraded natural habitats. The Bank does not support projects that involve the significant conversion or degradation of critical natural habitats.

Physical Cultural Resources (OP 4.11)

This policy addresses physical cultural resources, which are defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be in urban or rural settings and may be above or below ground, or underwater. Their cultural interest may be at the local, provincial or national level, or within the international community.

The Bank assists countries to avoid or mitigate adverse impacts on physical cultural resources from development projects that it finances. The impacts on physical cultural resources resulting from project activities, including mitigating measures, may not contravene either the borrower's national legislation or its obligations under relevant international environmental treaties and agreements.

Forests (OP/BP 4.36)

This Policy recognizes the need to reduce deforestation and promote sustainable forest conservation and management in reducing poverty. The Bank believes that forests are very much essential for poverty reduction and sustainable development irrespective of their location in the world. The Bank assists borrowers with forest restoration activities that maintain or enhance biodiversity and ecosystem functionality. The Bank also assists borrowers with the establishment and sustainable management of environmentally appropriate, socially beneficial, and economically viable forest plantations to help meet growing demands for forest goods and services. The Bank does not finance projects that, in its opinion, would involve significant conversion or degradation of critical forest areas or related critical natural

habitats. Furthermore, the Bank does not finance projects that contravene applicable international environmental agreements.

Projects on International Waterways (OP 7.50)

Projects on international waterways may affect the relations between the World Bank and its borrowers, and between riparian states. Therefore, the Bank attaches great importance to the riparian making appropriate agreements or arrangements for the entire waterway, or parts thereof, and stands ready to assist in this regard. A borrower must notify other riparian of planned projects that could affect water quality or quantity, sufficiently far in advance to allow them to review the plans and raise any concerns or objections.

Involuntary Resettlement (OP/BP 4.12)

The WB's experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable, and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.

The overall objectives of the Policy are given below.

Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.

Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing enough investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Projects in Disputed Areas (OP 7.60)

Projects in disputed areas may raise a number of delicate problems affecting relations not only between the Bank and its member countries but also between the borrower and one or more neighboring countries. In order not to prejudice the position of either the Bank or the countries concerned, any dispute over an area in which a proposed project is located is dealt with at the earliest possible stage.

The Bank may proceed with a project in a disputed area if the governments concerned agree that, pending the settlement of the dispute, the project proposed for country A should go forward without prejudice to the claims of country B.

World Bank Group Environment, Health and Safety Guidelines

The Environment, Health, and Safety (EHS) Guidelines contain the performance levels and measures that are generally considered to be achievable in new facilities or project by existing technology at reasonable

costs. In addition, there are also industry-specific EHS guidelines. The guidelines that are relevant to the Project are General EHS Guidelines⁷ and EHS Guidelines for Waste Management Facilities⁸.

World Bank Good Practice Note on Labor Influx

The good practice note provides the principles for assessing and managing the risks to and impacts on communities that may result from labor influx related to the project. Three principles are to: (a) reduce labor influx by using the local workforce; (b) [assess and manage labor influx risk through appropriate instruments, such as ESMP, labor influx management plan, and labor camp management plan](#); and (c) incorporate social and environmental mitigation measures into the civil works contract.⁹

Public Consultation and Information Disclosure Requirements by World Bank

The Bank reaffirms its recognition and endorsement of the fundamental importance of transparency and accountability to the development process. Accordingly, it is Bank's policy to be open about its activities and to welcome and seek out opportunities to explain its work to the widest possible audience. According to 'OP 4.01: Environmental Assessment' of World Bank, the following conditions apply to the proposed sub-projects.

Consultations. For all Category A and B projects, the borrower should consult the project-affected groups and local nongovernmental organizations about the project's environmental aspects and takes their views into account. The borrower should initiate such consultations as early as possible. For Category A projects, the borrower should consult these groups at least twice: (a) shortly after environmental screening and before the terms of reference for the EA are finalized; and (b) once a draft EA report is prepared. In addition, the borrower should consult with such groups throughout project implementation as necessary to address EA-related issues that affect them.

Disclosure. The borrower should provide relevant information on project interventions in a timely manner prior to consultation and in a form and language that is understandable and accessible to the groups being consulted. The borrower also ensures that EA reports are made available in a public place accessible to affected groups and local NGOs.

⁷. <https://www.ifc.org/wps/wcm/connect/554e8d80488658e4b76af76a6515bb18/Final%2B-%2BGeneral%2BEHS%2BGuidelines.pdf?MOD=AJPERES>

⁸. <https://www.ifc.org/wps/wcm/connect/1cd72a00488557cfbdf4ff6a6515bb18/Final%2B-%2BWaste%2BManagement%2BFacilities.pdf?MOD=AJPERES&id=1323162538174>

⁹ https://thedocs.worldbank.org/en/doc/fc074f5b6cc1621dc65675bf83c9d0b8-0290032021/original/ESF-Labor-Influx-Good-Practice-Note.pdf?_gl=1*11o1i7f*_gcl_au*MTg0MzkyODMwNy4xNzIxMzg3MTQ0

Annex 2: Grievance Redress Mechanism of NRPB



COMPLAINTS PROCEDURE NATIONAL RECOVERY PROGRAM BUREAU

INTRODUCTION

Complaints are a valuable source of feedback and an important tool for organizational development. Diligent and prompt attention to complaints can help identify the needs of persons that met the National Recovery Program Bureau, understand the shortcomings, increase satisfaction and improve the overall performance of the staff of the Bureau.¹⁰

This objective of this complaint procedure is to ensure that the National Recovery Program Bureau handles complaints fairly, efficiently and effectively. The Bureau aims to provide quick and effective resolution to concerns and complaints.

Our complaint procedure intends to:

- a) enable us to respond to complaints in a timely and cost-effective way
- b) boost public confidence in our work and administrative processes, and
- c) provide information on complaints in order to enhance and give a quality impulse to our products and services.

WHAT IS A COMPLAINT?

A complaint is a written formal expression of dissatisfaction made to or about our services, products or staff. Requests for information, service requests and reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of response are to be distinguished from complaints.

This procedure applies to complaints filed against the staff at all levels within the Bureau. In case of doubt, the complaint officer will get in contact to clarify the merits of the request, report or complaint.

A complaint cannot be filed if:

- 1. you already filed a complaint about the same service, product or staff at the Bureau or a complaint has been filed at the Ombudsman
- 2. the service, product or staff that caused the grievance took place over a year ago

¹⁰. Until the National Ordinance on the Bureau is in effect, complaints will be handled by the Interim Recovery Committee under the responsibility of the Minister of General Affairs.

3. there is a different way or procedure to address your grievances, for example through an appeals procedure based on a formal decision of the government
4. the complaint should be addressed to a different entity within the government, the Bureau will send the complaint to the right entity
5. your complaint is part of a court case or part of a criminal investigation by the Public Prosecutor
6. your complaint does not address the products, service, or conduct by our staff
7. your complaints are about the personal and general conduct of one of the staff members of the Bureau that is not directly related to a provided service

A complaint should be done in writing by or email using the attached form and should contain the following information:

- a) personal and contact information: name, address, phone number, email address
- b) date
- c) merits and nature of the complaint: what happened, when it happened, who was involved
- d) the consequences of the occurrence: damage, or other grievance

Complaints can be addressed to: Complaints Mechanism – Environmental and Social Safeguards Officers

National Recovery Program Bureau
 Soualiga Road no. 1
 Pond Island, Great Bay
 Sint Maarten
 E-mail: Secretariatrecovery@Sintmaartengov.org

ARE THERE COSTS INVOLVED?

No, filing a complaint is free of charge.

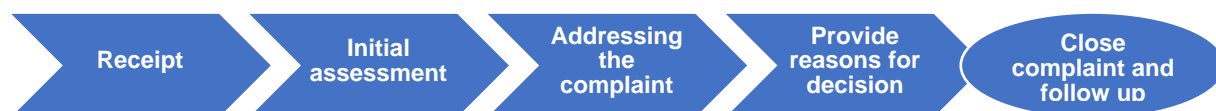
WHO IS HANDLING YOUR COMPLAINT?

A complaint officer together with the legal counsel to the Bureau is handling your complaint.

This way it is ensured that the person handling the complaint is different from any staff member whose conduct or service is being a complaint about. Conflicts of interests, whether actual or perceived, will be managed responsibly.

HOW WILL THE COMPLAINT BE ADDRESSED?

Process:



Receipt

We will acknowledge receipt of each complaint promptly, and preferably **within 5 working days**. Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with

the person making a complaint. The complaint officers and legal counsel will consider any relevant legislation and/or regulations when responding to complaints and feedback.

Where possible, complaints will be resolved at first contact with the Bureau. We will address each complaint with integrity and in an equitable, objective and unbiased manner.

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

The record of the complaint will document:

- ✓ the contact information of the person making a complaint
- ✓ issues raised by the person making a complaint and the outcome/s they want any other relevant and
- ✓ any additional support the person making a complaint requires

We will protect the identity of people making complaints where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by the Bureau as permitted under the relevant privacy Ordinance (National Ordinance on the Protection of Privacy), and any relevant confidentiality obligations.

Complaints filed against the Director of the Bureau will be handled outside the Bureau, by the Ministry of General Affairs, in order to ensure an independent procedure.

Initial assessment

Complaining is free of charge. After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

We will advise the complainant as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

Addressing the complaint

After the initial assessment of the complaint, we will consider how to address it. **Within 6 weeks, the complaint will be addressed.** Only in complex cases, this period can be extended. The complainant will be informed accordingly.

If a person prefers or needs another person or organization to assist or represent them in the making and/or the resolution of their complaint, we will communicate with them through their representative if this is their wish. We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

When determining how a complaint will be addressed, we will consider:

- ✓ How serious, complicated or urgent the complaint is
- ✓ Whether the complaint raises concerns about people's health and safety

- ✓ How the person making the complaint is being affected
- ✓ The risks involved in the resolution of the complaint is delayed, and
- ✓ Whether a resolution requires the involvement of other organizations.

To address a complaint, we may:

- Give the person making complaint information or an explanation
- Gather information from the product, person or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case.

We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

We will assess and priorities complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security, the response will be immediate and will be escalated appropriately.

When similar complaints are made by related parties, we will try to arrange to communicate with a single representative of the group, if the parties agree to this.

Where a complaint involves multiple organizations, we will work with the other organization(s) where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organized to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within our organization, responsibility for communicating with the person making the complaint and/or their representative will be coordinated.

Provide reasons for the decision

Following consideration of the complaint and an investigation into the issues raised, we will contact the person making the complaint and advise them:

- ✓ the outcome of the complaint and any action we took
- ✓ the reason/s for our decision
- ✓ the remedy or resolution/s that we have proposed or put in place, and
- ✓ any options for review that may be available to the complainant, such as filing a complaint at the National Ombudsman

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Landsverordening Bescherming Persoonsgegevens (National Ordinance on the Protection of Privacy)* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

Close complaint and follow up

After addressing the complaint and informing the complainant (including options for review if the complaint is not addressed to the satisfaction of the complainant), we close the complaint.

We will keep comprehensive records about:

- How we managed the complaint

- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and

- Any outstanding actions that need to be followed up.

We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling officer and/or senior management.

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis in an aggregated and anonymous form. Those records are kept for a maximum duration in accordance with the law.

Regular reports will be run on:

- the number of complaints received

- the outcome of complaints, including matters resolved at the frontline

- issues arising from complaints

- systemic issues identified, and

- the number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our services and make improvements.

Both reports and their analysis will be provided to the Bureau's senior management for review.

Any information provided on the complaints at the Bureau to Parliament will be anonymous.

Annex 3. Code of Conduct for Construction Workers

This Code of Conduct contains obligations on all Contractor's staff including its sub-contractors' staff. All staff hired by the Contractor should sign this Code of Conduct.

.....
Code of Conduct for the Implementation of
Emergency Resilience Project

Contractor:

Contract:

- Comply with applicable laws, rules, and regulations of the Government of Sint Maarten;
- Comply with applicable health and safety requirements (including wearing prescribed personal protective equipment, preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment);
- Not use illegal substances any anytime on or off the job;
- Not Discriminate against any other worker (for example on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction)
- Have respectful interactions with community members (for example to convey an attitude of respect and non-discrimination) with communities;
- Not engage in any act of sexual harassment (whether through use of language or behavior, towards men or women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
- Not engage in any act of violence or exploitation (including prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior)
- Ensure the Protection of children (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas)
- Uphold Sanitation requirements (for example, that all workers use specified sanitary facilities provided by their employer and not open areas)
- Avoid conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection)
- Respect reasonable work instructions (including regarding environmental and social norms);
- Protect and properly use property (for example, to prohibit theft, carelessness or waste)
- Report violations of this Code as a duty.
- Be Protected against retaliation for workers who report violations of the Code, if that report is made in good faith.
- Be informed and allowed to access a Grievance Redress Mechanism without fear of reprisal.

- On signing I confirm that:
- I have received a copy of this Code
- The code has been explained to me
- Acknowledged that adherence to this Code of Conduct is a condition of employment; and
- Understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.

SIGNATURE: _____

PRINTED NAME: _____

EMPLOYER REPRESENTATIVE: _____

DATE: _____

Annex 4: Environmental & Social Management Plan Consultation

ERP1 Government Home Repair Component

Prior to the three specific consultations events mentioned below, NRPB posted the draft ESMF on their website from September 26th through Oct 5th seeking comments and input from the public. During this period only one comment was received basically affirming that the ESMF was “Good”. In addition to seeking public comments, NRPB conducted three consultations for ERP1:

First consultation was conducted in May 2019 for the residents of the pilot phase of 14 homes at NRPB offices in the presence of the contractor. Homeowners had an opportunity to ask questions or concerns they had. (See table below for questions and comments)

The second consultation was for the first phase of 26 homes at the NRPB offices with the members of the household, the contractor and the supervisor, the event was observed by the world bank environment specialist. Homeowners had an opportunity to ask questions or concerns they had and were happy they didn’t have to leave the house during repairs.

The third and the largest was held on October 29th at the Belair Community Center for about 150 Home Repair applicants of phase 2. The NRPB had a Q&A at the end, but mainly people wanted to know when the work would start. Everyone received a draft homeowner agreement and were informed that if they had any questions, they could make an appointment to address their individual concerns, which was done the following week.

Key issues discussed: The WB team observed the public consultation conducted by NRPB for the 150 families in the second phase of the Home Repair Program. The event was very well attended with approximately 200 beneficiaries in attendance. The presentation and the information provided to the beneficiaries was exhaustive, with sample homeowner agreement provided to all participants to ensure that all stakeholders understand their respective roles in the Home Repair process. The participants seemed satisfied with the presentation and the information provided and were given an opportunity to ask clarifying questions. The NRPB and Activities manager and Team were well received, and participants overall expressed their appreciation for the project team and were anxious for the works to proceed. The participants were informed of the process of signing the homeowner agreement. The Activity Manager informed the participants that each household will go through each article of the homeowner Agreement that address the various safeguards and mechanisms in place for their protection such as the GRM. They also received an information sheet with contact information. The main concern for all participants was when the Repair of homes will commence.

Question/ Comment	Response
When will beneficiaries know the schedule of works?	Once the contractor submits the schedule of works, they beneficiaries will be informed.
How much is to be paid per house for the repairs?	There is no set amount for each house. It depends on the extent of the roof repairs
Is there a cap on the repair work?	The work will only be for repairs due to the Hurricane and focuses on roof repairs, door, windows for the most part.
Will project replace sliding doors?	The project will use doors that are appropriate for extreme weather events. Sliding door design is not recommended
Will the contractor have sub-contractors?	Unclear until the final negotiations between the Gvt and the contractor.
How long will the works go on for?	The contractor will discuss the timeframe with each household.
Do the Homeowners sign off at completion to indicate satisfaction with work? There have been examples of poor-quality work. How will the NRPB ensure quality work?	There is a supervising contractor to oversee the contractor. There is a completion certificate to be signed by the homeowner acting the repairs following a walk through with the supervisor, contractor and the NRPB
Appreciate the information provided and all the support	NRPB will take full responsibility for successful repairs
Will the contractor discuss scope of work with the household?	NRPB will do that and inform the household

Based on the comments received from the beneficiaries during the October 29 consultation, the final ESMF was updated to include Annex 5 on Approach for the Technical and Social Assessment and Preparation of Temporary Resettlement Plan. This final ESMF will be disclosed by NRPB via the following channels:

Published on the NRPB Website

Included in their newsletter on LinkedIn

Posted on their Facebook Page and

Inform the public via a Press Release in the newspapers.

Annex 5: Approach for the Technical and Social Assessment and Preparation of Temporary Resettlement Plan

1 Introduction

This Abbreviated Resettlement Action plan is part of the Emergency Recovery Project I (ERP I), financed by the Sint Maarten Trust Fund managed by the World Bank. A major activity under ERP I is the repairs of damaged houses with improved technical standards via a Roof Repair Program. The objective of the Roof Repair Program is to repair and where necessary, rebuild the roofs of homes that suffered hurricane damage. The works consist of the repair or replacement of the roof structures and other small related repairs (windows, doors, block work, plasterwork, electrical, etc.) for the selected damaged homes.

The program is implemented in two phases. The pilot phase included 14 households, which qualified after a social and technical assessment. The second phase will identify a larger number of homes based on the outcome of the social and technical assessment.

2 Statement of Problem

Given the nature of the works: roof repair, many of the beneficiaries may not be able to remain in their homes while the works are being executed for health and safety concerns. Given the unique nature of each house's damage, the extent of the damage and the remedial works required is assessed per site and listed in the table attached. While the scope of works for each house will vary, the major elements of the works covered under the Project are as listed below and further explained in the RFQ document. Not all of these works may be required for each house. The technical assessment will determine the scope of works. Should there be a need for a temporary relocation, all residents will have to vacate the premises prior to the commencement of civil works.

- a) Removal, in part or in whole, the existing roof sheeting.
- b) Demolition, in part or in whole, the existing roof structure.
- c) Construction of a new roof or repair of the roof as directed according to the Employer's design intent roof layout and drawings as provided in the technical specifications.
- d) Modification of existing ring beam or construction of a new ring beam.
- e) All necessary block work, reinforced concrete work and related builder's works
- f) Repair or replacement of damaged windows and doors.
- g) Mold removal.
- h) Plaster and paint as required.

- i) Restoration of house electrical wiring including the mains connection and placement of fixtures and fittings.

3 Legal Framework

Sint Maarten does not have specific laws or regulations on temporary displacement for these types of works, since the repair and rebuild of houses is normally the responsibility of the individual to come to an agreement with the construction company. Civil law applies and the individual and construction company sign a contract regulating the work, planning and liability for damages. Normally, it is up to the individual to decide if the house is still livable while the works are executed. This can vary. Since the government is funding the repairs through the Trust Fund, World Bank standards apply and any form of liability needs to be mitigated, therefore in the project the government of Sint Maarten and the World Bank agreed to the following approach in preparing an ARAP.

Based on the decision by Council of Ministers on November 17th, 2017 and the approved policy document: 'Post-Irma Financial Aid to Homeowners returning dwellings into a livable state – Roof Repair Assistance', the following eligibility criteria apply:

Beneficiaries are legal residents of Sint Maarten;

Beneficiaries have to be homeowners of the dwelling that needs repairs, and the dwelling has to be the primary residence of the beneficiary;

Beneficiaries have to have a monthly income of ANG 4.000, - or less; or,

Beneficiaries who rent out rooms or apartments have to have a total monthly income less than ANG 4.000¹¹, -.

Special interest and preference will be given to vulnerable groups: pensioners, disabled and single mothers with children. For beneficiaries that received aid prior to the roof repair program, they are eligible in case the house is not repaired (insufficient aid) and the repairs that need to take place are caused by the hurricanes. There may also be cases which impact renters who may need to relocate to allow works to commence? Renting tenants will be allowed the option to return as per their rental agreements to complete their terms, given adequate notice (2 months prior to start of works to seek alternate arrangements) as well as the same support to relocate.

4 Census and Socioeconomic Survey of Project Affected People (PAPs)

All potential beneficiaries that meet the above-mentioned criteria will be recorded in the attached Table 1. Further assessment of each particular case will be done via the (digital) social verification process. All processing steps per applicant are recorded and stored digitally via a Client Record Management System.

¹¹The World Bank Op 4.12 provides benefits to all impacted under the project including renters who may not fit all the criteria above. In this case, this category if severely impacted will be treated as per OP 4.12 to sure no harm is done.

5 Impacts Caused by Displacement

The impact on the livelihoods of the beneficiaries is mitigated by the financial compensation to be applied to rent and storage combined with a limited length of the work per house. It is estimated that per house the works can be done within 1-3 months. Should the works exceed the time the compensation will be adjusted accordingly.

6 Technical and Social Assessment

Based on the technical and social assessment the households with damaged homes will be identified for Home Repair Program. This Survey will be conducted by the technical team and a team of social workers and other representatives of the government Sint Maarten after the hurricanes Irma and Maria- is faced with an increased shortage of affordable housing. This -plus the fact that most of the hotels suffered severe damages and are in the process of rebuilding- limits the options for government to offer alternative housing arrangements to the beneficiaries. Given these circumstances, offering assistance by means of a lump sum to support the temporary relocation and costing of storage is the most viable option. All beneficiaries sign a contract stipulating that in case the beneficiary does not want to leave the dwelling and chooses to stay, the lump sum will not be paid out and they will not be included in the Home Repair Program.

7 Proposed Assistance to Displaced Individuals/Families

Where it is determined that temporary relocation is necessary, all impacted parties will be provided with a lump sum per household to arrange for temporary residence for the duration of construction. To protect household items, the residents will be paid cash for storage. The amount of rental payment will be based on the going market rates and depend on the number of family members to a maximum of 3 bedrooms.

The works will be carried out in groups of 10 houses. The resettlement will be for the full duration of works until the Supervisor issues a completion certificate.

The vulnerable beneficiaries will get extra assistance from NRPB in close coordination from VSA in relocation where needed. In cases of extreme vulnerability, the caseworkers will also guide the individual to the services from Government. These consist of social, labor and community services.

All beneficiaries sign a Homeowner Agreement which includes scope of works and entitled compensation.

Table 1 : Compensation Plan

Solutions	Temporary Relocation Solution	Comments
Package 1: Single household	Rent \$500 + \$75 moving per trip + equipment storage (tarpaulins \$ 50 (2.5 – 3 m) and rope \$ 5.95 (15 meter) or \$600 storage costs	These costings were developed using market research within Sint Maarten on average rental costs. Storage will be on case to case bases.
Package 2: 2-person household	Rent \$650 + \$75 moving per trip + equipment storage (tarpaulins \$ 50 (2.5 – 3 m) and rope \$ 5.95 (15 meter) or \$600 storage costs	These costings were developed using market research within Sint Maarten on average rental costs. Storage will be on case to case bases.
Package 3: 3 persons household	Rent \$800 + \$75 moving per trip + equipment storage (tarpaulins \$ 50 (2.5 – 3 m) and rope \$ 5.95 (15 meter) or \$600 storage costs	These costings were developed using market research within Sint Maarten on average rental costs. Storage will be on case to case bases. Size and price are based on size of the house (number bedrooms) of the household and the number of persons in the household
Package 4: 4+ persons household	Rent \$950 + \$75 moving per trip + equipment storage (tarpaulins \$ 50 (2.5 – 3 m) and rope \$ 5.95 (15 meter) or \$600 storage costs	These costings were developed using market research within Sint Maarten on average rental costs. + Storage will be on case to case bases. Size and price are based on size of the house (number bedrooms) of the household and the number of persons in the household
Package 5: Additional costs for landlord in rental cases	\$75 moving per trip + equipment storage (tarpaulins \$ 50 (2.5 – 3 m) and rope \$ 5.95 (15 meter) or \$600 storage costs	Only if the apartment was rented fully furnished. The tenant is entitled to the compensation for rent based on the seize of the household

Package 6: Vulnerable	Set up in hotel or appropriate facility – alternative living (approximately expenses \$100 per night – not cash compensation) + costs moving and storage	This price estimate is based on average hotel prices, smaller hotel size but the expense will be covered by the budget.
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8 Responsible Agency

NRPB will be the main agency to conduct the technical and social assessments, supervision of the civil works and monitoring of the program. NRPB has developed a robust team led by a senior Activity Manager with the assistance of Stakeholder Engagement Consultants, and technical team.

Table 2: Project Timeline

Timeline	Activity	Responsible	Comments
Completed in January-July 2019	social assessment of the second group 150+	NRPB Team (6 social assessors)	Depending on timely procurement Assessment consists of: <ol style="list-style-type: none"> 1. Call 2. House visit: <ul style="list-style-type: none"> • Verification documents • Assessment situation household • Information ARAP 3. Advice eligibility and follow up actions (referrals/provide alternative housing) 4. These steps have been completed.
Tentative period for temporary relocation of Group 1 is from April 1st to mid-May 2020. There are about 12-13 groups total. The temporary relocation will be for the full duration of works until the Supervisor issues a completion certificate.	Temporary relocation 2nd phase	NRPB	Depending on timely procurement Information package and process steps before works can start consists of: <ul style="list-style-type: none"> • Signing homeowner agreement • Compensation package • Grievance redress mechanism • Pay out

9 Grievance Redress Mechanism

The complaints procedure is included in the ESMF (Annex 2), which is applicable for all works under the Trust Fund. A short-abbreviated complaint procedure will be shared with all beneficiaries and contractors in order to ensure they are informed prior to the commencement of the works.

10 Monitoring/Follow up Activities

NRPB will be responsible to monitor and supervise 100% of the civil works.

11 Evaluation

The follow up reports will be compiled and evaluated based on positive or negative feedback. If there are any significant findings these will be reported to the NRPB for follow up.

Annex 6: Incidents and Accidents Reporting Forms

Part B: To be completed within 24 hours

B1: Incident Details			
Date of Incident:	Time:	Date Reported to PIU:	Date Reported to WB:
Reported to PIU by:	Reported to WB by:	Notification Type: Email/'phone call/media notice/other	
Full Name of Main Contractor:		Full Name of Subcontractor:	

B2: Type of incident (please check all that apply) ¹
Fatality <input type="checkbox"/> Lost Time Injury <input type="checkbox"/> Displacement Without Due Process <input type="checkbox"/> Child Labor <input type="checkbox"/> Acts of Violence/Protest <input type="checkbox"/> Disease Outbreaks <input type="checkbox"/> Forced Labor <input type="checkbox"/> Unexpected Impacts on heritage resources <input type="checkbox"/> Unexpected impacts on biodiversity resources <input type="checkbox"/> Environmental pollution incident <input type="checkbox"/> Dam failure <input type="checkbox"/> Other <input type="checkbox"/>

¹See Annex 1 for definitions

B3: Description/Narrative of Incident
<p><i>Please replace text in italics with brief description, noting for example:</i></p> <p>I. <i>What is the incident?</i></p> <p>II. <i>What were the conditions or circumstances under which the incident occurred (if known)?</i></p> <p>III. <i>Are the basic facts of the incident clear and uncontested, or are there conflicting versions? What are those versions?</i></p> <p>IV. <i>Is the incident still ongoing or is it contained?</i></p> <p>V. <i>Have any relevant authorities been informed?</i></p>

B4: Actions taken to contain the incident			
Short Description of Action	Responsible Party	Expected Date	Status
For incidents involving a contractor: Have the works been suspended (for example, under GCC8.9 of Works Contract)? Yes <input type="checkbox"/> ; No <input type="checkbox"/> ; Trading name of Contractor (if different from B1): Please attach a copy of the instruction suspending the works.			

B5: What support has been provided to affected people

Annex 1: Incident Types

The following are incident types to be reported using the environmental and social incident response process:

Fatality: Death of a person(s) that occurs within one year of an accident/incident, including from occupational disease/illness (e.g., from exposure to chemicals/toxins).

Lost Time Injury: Injury or occupational disease/illness (e.g., from exposure to chemicals/toxins) that results in a worker requiring 3 or more days off work, or an injury or release of substance (e.g., chemicals/toxins) that results in a member of the community needing medical treatment.

Acts of Violence/Protest: Any intentional use of physical force, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, deprivation to workers or project beneficiaries, or negatively affects the safe operation of a project worksite.

Disease Outbreaks: The occurrence of a disease in excess of normal expectancy of number of cases. Disease may be communicable or may be the result of unknown etiology.

Displacement Without Due Process: The permanent or temporary displacement against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection and/or in a manner that does not comply with an approved resettlement action plan.

Child Labor: An incident of child labor occurs: (i) when a child under the age of 14 (or a higher age for employment specified by national law) is employed or engaged in connection with a project, and/or (ii) when a child over the minimum age specified in (i) and under the age of 18 is employed or engaged in connection with a project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.

Forced Labor: An incident of forced labor occurs when any work or service not voluntarily performed is exacted from an individual under threat of force or penalty in connection with a project, including any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor-contracting arrangements. This also includes incidents when trafficked persons are employed in connection with a project.

Unexpected Impacts on heritage resources: An impact that occurs to a legally protected and/or internationally recognized area of cultural heritage or archaeological value, including world heritage sites or nationally protected areas not foreseen or predicted as part of project design or the environmental or social assessment.

Unexpected impacts on biodiversity resources: An impact that occurs to a legally protected and/or internationally recognized area of high biodiversity value, to a Critical Habitat, or to a Critically Endangered or Endangered species (as listed in IUCN Red List of threatened species or equivalent national approaches) that was not foreseen or predicted as part of the project design or the environmental and social assessment. This includes poaching or trafficking of Critically Endangered or Endangered species.

Environmental pollution incident: Exceedances of emission standards to land, water, or air (e.g., from chemicals/toxins) that have persisted for more than 24 hrs or have resulted in harm to the environment.

Dam failure: A sudden, rapid, and uncontrolled release of impounded water or material through overtopping or breakthrough of dam structures.

Other: Any other incident or accident that may have a significant adverse effect on the environment, the affected communities, the public, or the workers, irrespective of whether harm had occurred on that occasion. Any repeated non-compliance or recurrent minor incidents which suggest systematic failures that the task team deems needing the attention of Bank management.

Part C: To be completed following investigation

C1: Investigation Findings

Please replace text in italics with findings, noting for example:

- I. where and when the incident took place,*
- II. who was involved, and how many people/households were affected,*
- III. what happened and what conditions and actions influenced the incident,*
- IV. what were the expected working procedures and were they followed,*
- V. did the organization or arrangement of the work influence the incident,*
- VI. were there adequate training/competent persons for the job, and was necessary and suitable equipment available,*
- VII. what were the underlying causes; where there any absent risk control measures or any system failures,*

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C2: Corrective Actions from the investigation to be implemented (To be fully described in Corrective Action Plan)

Action	Responsible Party	Expected Date

Part C cont.: To be completed following investigation

C3a: Fatality/Lost time Injury information

Immediate cause of fatality/injury for worker or member of the public (please check all that apply) ²:

1. Caught in or between objects ☐ 2. Struck by falling objects ☐ 3. Stepping on, striking against, or struck by objects ☐
4. Drowning ☐ 5. Chemical, biochemical, material exposure ☐ 6. Falls, trips, slips ☐ 7. Fire & explosion ☐
8. Electrocution ☐ 9. Homicide ☐ 10. Medical Issue ☐ 11. Suicide ☐ 12. Others ☐
Vehicle Traffic: 13. Project Vehicle Work Travel ☐ 14. Non-project Vehicle Work Travel ☐
15. Project Vehicle Commuting ☐ 16. Non-project Vehicle Commuting ☐ 17. Vehicle Traffic Accident (Members of Public Only) ☐

Name	Age/DOB	Date of Death/Injury	Gender	Nationality	Cause of Fatality/Injury	Worker (Employer)/Public

²See Annex 2 for definitions

C3b: Financial Support/Compensation Types (To be fully described in Corrective Action Plan template)

1. Contractor Direct ☐ 2. Contractor Insurance ☐ 3. Workman's Compensation/National Insurance ☐
4. Court Determined Judicial Process ☐ 5. Other ☐ 6. No Compensation Required ☐

Name	Compensation Type	Amount (US\$)	Responsible Party

C4: Supplementary Narrative

Annex 2: Definition of fatality/injury immediate causes

1. **Caught in or between objects:** caught in an object; caught between a stationary object and moving object; caught between moving objects (except flying or falling objects).
2. **Struck by falling objects:** slides and cave-ins (earth, rocks, stones, snow, etc.); collapse (buildings, walls, scaffolds, ladders, etc.); struck by falling objects during handling; struck by falling objects.
3. **Stepping on, striking against, or struck by objects:** stepping on objects; striking against stationary objects (except impacts due to a previous fall); Striking against moving objects; Struck by moving objects (including flying fragments and particles) excluding falling objects.
4. **Drowning:** respiratory impairment from submersion/emersion in liquid.
5. **Chemical, biochemical, material exposure:** exposure to or contact with harmful substances or radiations.
6. **Falls, trips, slips:** falls of persons from heights (e.g., trees, buildings, scaffolds, ladders, etc.) and into depths (e.g., wells, ditches, excavations, holes, etc.) or falls of persons on the same level.
7. **Fire & explosion:** exposure to or contact with fires or explosions.
8. **Electrocution:** exposure to or contact with electric current.
9. **Homicide:** a killing of one human being by another.
10. **Medical Issue:** a bodily disorder or chronic disease.

11. **Suicide:** the act or an instance of taking, or attempting to take, one's own life voluntarily and intentionally.
12. **Others:** any other cause that resulted in a fatality or injury to workers or members of the public.

Vehicle Traffic

13. **Project Vehicle Work Travel:** traffic accidents in which project workers, using project vehicles, are involved during working hours and which occur in the course of paid work.
14. **Non-project Vehicle Work Travel:** traffic accidents in which project workers, using non-project vehicles, are involved during working hours and which occur in the course of paid work.
15. **Project Vehicle Commuting:** traffic accidents in which project workers, using project vehicles, are involved while travelling to (i) the worker's principal or secondary residence; (ii) the place where the worker usually takes his or her meals; or (iii) the place where he or she usually receives his or her remuneration.
16. **Non-project Vehicle Commuting:** traffic accidents in which project workers, using non-project vehicles, are involved while travelling to (i) the worker's principal or secondary residence; (ii) the place where the worker usually takes his or her meals; or (iii) the place where he or she usually receives his or her remuneration.
17. **Vehicle Traffic Accident (Members of Public Only):** traffic accidents in which non-project workers/members of the public are involved in an accident while travelling for any purpose.

Part B: To be completed within 24 hours - SEA/SH

B1: Incident Details		
Date of incident intake by the project/GM:	Date Reported to PIU:	Date Reported to WBG:
Reported to project/GM by: <input type="checkbox"/> Survivor <input type="checkbox"/> Third party <input type="checkbox"/> Other: _____ Is a record of this incident in GM? Yes <input type="checkbox"/> No <input type="checkbox"/>	Reported to PIU by: <input type="checkbox"/> GM operator <input type="checkbox"/> Directly, by Survivor <input type="checkbox"/> Directly, by third party <input type="checkbox"/> Other: _____	Reported to WBG by: <input type="checkbox"/> PIU <input type="checkbox"/> Directly, by Survivor <input type="checkbox"/> Directly, by third party <input type="checkbox"/> Other: _____
B2: Incident type (please check all that apply) See Appendix 1 for definitions		
Sexual exploitation <input type="checkbox"/> Sexual abuse <input type="checkbox"/> Sexual harassment <input type="checkbox"/>		
B3: Provide the following details from the GM record		
Age of survivor (if recorded in GM):	Have the national legislation or mandatory reporting requirements been followed? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Sex of survivor (if recorded in GM): Male <input type="checkbox"/> Female <input type="checkbox"/> Other <input type="checkbox"/>	Was the survivor referred to service provision? ¹² Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is the survivor employed by the project (as indicated by the survivor or complainant and reported in the GM)? Yes <input type="checkbox"/> No <input type="checkbox"/>	Is the alleged perpetrator employed by the project (as indicated by the survivor or complainant and reported in the GM)? Yes <input type="checkbox"/> No <input type="checkbox"/>	
B4: Basis for further action		
a. Has the complainant provided informed consent to lodge a formal complaint? Yes <input type="checkbox"/> No <input type="checkbox"/>	c. Has the survivor provided informed consent to be part of an investigation into misconduct? Yes <input type="checkbox"/> No <input type="checkbox"/>	
b. Does the employer have a suitable administrative process and capacity in place to investigate misconduct relating to SEA/SH in a survivor-centered way? Yes <input type="checkbox"/> No <input type="checkbox"/>	d. Has the complaint been filed anonymously or through a third party? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If the answer to any of these questions is no, has the GM assessed the risks and benefits of carrying out an investigation into the alleged misconduct, taking into account the survivor's safety and wellbeing? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Will an investigation into misconduct be undertaken in addition to an investigation into adequacy of project systems, processes or procedures? Yes <input type="checkbox"/> No <input type="checkbox"/>		

¹² When a complaint is filed by a third party, or the survivor has not reached out to the project, the project may not be able to confirm this information. In these cases, it may not be advisable for the project GM to attempt to reach the survivor, as this may jeopardize confidentiality, safety, and agency. Projects may attempt to find safe ways to pass information indirectly (such as through broad efforts to inform) about services available.

Appendix 1: Incident Types

Incident Type	Example
<p>Sexual Exploitation: Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. In Bank financed operations/projects, sexual exploitation occurs when access to or benefit from a Bank financed Goods, Works, Non-consulting Services or Consulting Services is used to extract sexual gain.</p>	<ul style="list-style-type: none"> • A community member is promised employment on the World Bank financed project site in exchange for sex • A member of the project team connecting water lines to homes requests a sexual favor for access to water connection • A project worker denies passage of a woman through the worksite unless she performs a sexual favor
<p>Sexual Abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. In Bank financed operations/projects, sexual abuse occurs when a project related worker (contractor staff, subcontractor staff, supervising engineer) uses force or unequal power vis a vis a community member or colleague to perpetrate or threat to perpetrate an unwanted sexual act.</p>	<ul style="list-style-type: none"> • A project worker abuses a community member • A project worker has a sexual relationship with a child • A project worker befriends a child, supporting her and/or her family in exchange of sexual favors • A project worker stays in the cafeteria after dinner and sexually assaults a kitchen staff member • A project worker touches an administrative staff member's body. • A supervisor for a subcontractor asks his female colleague to join him for a business dinner with the main contractor. After dinner he asks her to entertain "the boss" in his room as an appreciation for the contract and her work.
<p>Sexual Harassment: Any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. In Bank financed operations/projects, sexual harassment occurs within the context of a subcontractor or contractor and relates to employees of the company experiencing unwelcome sexual advances or requests for sexual favor or acts of a sexual nature that are offensive and humiliating among the same company's employees.</p>	<ul style="list-style-type: none"> • A worker sends sexually explicit text messages to a coworker • A colleague leaves an offensive picture that is sexually explicit on a co-worker's desk • A project worker asks all female employees to greet him with a kiss on the cheek every day before work. • A project worker compliments his co-worker's body. • A project worker continuously invites a co-worker out for drinks or dinner after being told that they are not interested.

Part C: To be completed following investigation – SEA/SH

C1: Findings of the investigation		
Have sanctions against a perpetrator been recommended as part of an investigation into misconduct? Yes <input type="checkbox"/> No <input type="checkbox"/>	Has an investigation into adequacy of project systems, processes or procedures been undertaken? Yes <input type="checkbox"/> No <input type="checkbox"/>	
C2: Corrective actions to be implemented (To be fully described in Corrective Action Plan)		
Short Description of Action (SEA/SH examples)	Responsible Party	Timeline for completion/Status
<i>Referral of Survivor to holistic care services</i>		
<i>Undertake disciplinary investigation in accordance with GM timelines and confirmed process</i>		
<i>Disciplinary actions, including sanctions, to be applied following misconduct investigation by Employer</i>		
<i>Increased training on Codes of Conduct (CoC)</i>		
<i>Audit of implementation of SEA/SH safety mitigation</i>		
<i>Strengthened awareness training on project-related risks, CoC and how to report incidents for project-affected community</i>		
<i>Training for project supervisors on the need to follow guidelines of behaviour in CoC and their supervisory responsibilities</i>		
<i>Plan to improve coverage/quality of service provision</i>		
<i>Any other system strengthening measures or corrections for system failures that are necessary</i>		
C3: For incidents involving a Contractor:		
Has the incident been referred to the DAAB? Yes <input type="checkbox"/> No <input type="checkbox"/>		

Part B: To be completed within 24 hours - SOGI

B1: Incident Details		
Date of incident intake by the project/GM:	Date Reported to PIU:	Date Reported to WBG:
Reported to project/GM by: <input type="checkbox"/> Victim ¹ <input type="checkbox"/> Third party <input type="checkbox"/> Other: _____	Reported to PIU by: <input type="checkbox"/> GM operator <input type="checkbox"/> Directly, by victim ¹ <input type="checkbox"/> Directly, by third party <input type="checkbox"/> Other: _____	Reported to WBG by: <input type="checkbox"/> PIU <input type="checkbox"/> Directly, by victim ¹ <input type="checkbox"/> Directly, by third party <input type="checkbox"/> Other: _____

1. If reporting is by victim care must be taken to adhere to any requests for anonymity.

B2: Incident type requiring confidentiality (please check all that apply)
Violence on basis of SOGI <input type="checkbox"/> Discrimination on basis of SOGI <input type="checkbox"/>
See Appendix 1 for definitions

B3: Basis for further reporting		
a. Has the victim provided informed consent for this incident to be reported? Yes <input type="checkbox"/> No <input type="checkbox"/>	b. Does national legislation or mandatory reporting apply to this case? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	c. If yes, has it been reported? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If the answer to both a. & b. questions is NO, further reporting of this allegation is not required. However, further measures to strengthen SOGI prevention and mitigation on the project should be provided below.		
Further measures to strengthen SOGI prevention and mitigation		
Short Description of Action (<i>Examples: Please replace text in italics below with brief description of actions to be taken</i>)	Responsible Party	Expected Date
<i>Increased training on Codes of Conduct (CoC) and non-discrimination on the basis of SOGI</i>		
<i>Safety audit of project site focussing on SOGI</i>		
<i>Verification all employees sign and understand CoC</i>		
<i>Strengthened awareness on project-related risks, CoC and how to report incidents for project-affected community</i>		
<i>Active outreach to local civil society organisations working with social and gender minorities to ensure continuous risk monitoring and adaptation</i>		

<i>Training for project supervisors on the need to follow guidelines of behaviour in CoC and their supervisory responsibilities</i>		
<i>Plan to improve coverage/quality of service provision</i>		
<i>Additional training for GM focal points</i>		
<i>Other (please detail)</i>		

B4: If consent has been provided or national legislation mandates reporting of the incident as indicated in B3, provide the following details from the available GM record	
Age of victim (if recorded in GM):	
Sex of victim (as recorded in GM):	Male <input type="checkbox"/> Female <input type="checkbox"/> Other <input type="checkbox"/>
Has the victim self-identified as sexual or gender minority or are there indications that the case is related to SOGI (i.e., use of homo- or transphobic language)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Was the victim referred to service provision?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the alleged perpetrator employed by the project (as indicated by the victim and reported in the GM)?	Yes <input type="checkbox"/> No <input type="checkbox"/>

B5: Basis for investigation	
Has the victim provided informed consent for this incident to be investigated?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If the answer to this question is yes, complete part C below using the results of the investigation	

Appendix 1: Incident Types

Violence on the basis of SOGI:

The threat or use of physical force that injures or abuses a person, or damages or destroys property, and that is motivated in whole or in part by the victim's real or perceived sexual orientation, gender identity, gender expression, or sex characteristics.

Discrimination on the basis of SOGI:

Discrimination means creating a distinction, exclusion, or restriction which has the purpose or effect of impairing or excluding a person based on their real or perceived sexual orientation, gender identity, gender expression, or sex characteristics from being on an equal basis with others.

Part C: To be completed following investigation where further reporting is permitted (see Incident Form SOGI Part B)

C1: Corrective actions from the investigation to be implemented (to be fully described in Corrective Action Plan)		
Short Description of Action (<i>Examples: please replace text in italics below with brief description of actions to be taken</i>)	Responsible Party	Expected Date
<i>Referral of victim to holistic care services</i>		
<i>Disciplinary actions, including sanctions, to be applied following misconduct investigation</i>		
<i>Measures to prevent similar instances from happening in the future</i>		
<i>Measures to address gaps in procedural manuals or implementation of procedures that contributed</i>		
<i>Measures to change/modify program practices to prevent recurrence</i>		
<i>Where additional training might be needed</i>		