ESIA Italy
Annex 13 HRIA Summary and Main Findings
Acronyms

CSR - Corporate Social Responsibility
DIA - Direzione Investigativa Antimafia (Anti-Mafia Investigation Department)
DURC - Documento Unico di Regolarità Contributiva (Insurance Contribution Payment Certificate)
EBRD – European Bank for Reconstruction and Development
ESIA - Environmental and Social Impact Assessment
HRIA - Human Rights Impact Assessment
HRMP – Human Rights Management Plan
HSE – Health, Safety & Environment
IFC – International Finance Corporation
ILO – International Labour Organization
OECD – Organisation for Economic Co-operation and Development
OHCHR – UN Office of the High Commissioner for Human Rights
OHS – Occupational Health and Safety
PR – EBRD Performance Requirement
SCM - Social Compliance Monitoring
TAP - Trans Adriatic Pipeline
1 Background and Methodology

This Annex summarizes the preliminary findings arising from an on-going Human Rights Impact Assessment (HRIA) carried out in parallel with the ESIA. The HRIA is a study carried out to identify and to inform management decisions and actions in relation to anticipated human rights related impacts and opportunities from the Italian section of the pipeline. The HRIA is part of TAP’s commitment to fulfil its Corporate Responsibility standards, which include respect for internationally recognised human rights and implementation of the UN Guiding Principles on Business and Human Rights. It also seeks to inform TAP’s compliance with a range of other commitments, including EBRD Performance Requirements.

This study constitutes a preliminary study of the full HRIAs commissioned for a project at the planning stage. The methodology for the HRIA was developed and refined to ensure that it complements the ESIA. The ESIA covers parallel issues and, in relation to land and some defined social rights (including community health and safety and economic livelihoods), is the primary study for impact assessment.

The HRIA has considered the actions the Project should take to ensure the enjoyment of internationally recognised human rights, including those contained in the International Bill of Human Rights, the ILO Core Conventions, and other relevant international standards that Italy has ratified such as the European Convention on Human Rights.

2 Overview of Process and Findings

This document presents the provisional impact assessment findings from the HRIA study in Italy; in particular, setting an outline of the proposed mitigation measures. The provisional findings are based on the following process (see Figure 1: HRIA process flowchart):

- A baseline study of the legal, policy and regulatory framework relevant to each category of rights as well as information regarding the enjoyment of rights in practice;
- An evaluation of project activities such as workforce recruitment, construction work streams, procurement of supplies and equipment and security;
- Initial stakeholder consultation at a national level (government, civil society, workers’ representatives);
- Follow-up stakeholder engagement with local workers’ representatives, civil society and administrative officials in Apulia Region;
- A preliminary assessment of potential human rights impact arrived at by overlaying project activities on the baseline findings on human rights;
• Recommendation of general mitigation steps in relation to each area of impact. Mitigation includes implementation of strategies and policies that have already been developed by TAP but will be implemented in the future.

Figure 1 – HRIA process flowchart

It should be noted that further work is being undertaken to complete the HRIA and integrate additional findings from the revised ESIA. Once finalised, the full HRIA will be made public.
3 Preliminary Findings on Impact and Proposed Mitigation Measures

3.1 Decent working conditions in the supply chain and contractors

TAP is committed to minimise any potential negative impacts relating to wages and working conditions. In the event that some contractors do not comply national law and/or TAP policy on payment of wages and social security contributions, appropriate working conditions for employees of contractors and health and safety, TAP intends to carry out the following:

- Screening of contractors and suppliers based on whether they are able to comply with TAP policies including the Code of Conduct. DURC (legal and contributing compliance) certificates will be required from all potential and actual contractors.
- Monitoring and evaluation visits to contractors and suppliers to verify compliance with TAP policies.
- Liaison with Cassa Edile (Construction Workers Welfare Board) in Lecce to ensure that all wage and social security payments are up-to-date and appropriate.
- Implementation of health and safety plans in relation to all workers working on site, regardless of direct employer
- Implementation of a Workers’ grievance mechanism for all workers.

The relevant benchmarks for these actions are Italian Legislation and EBRD Performance Requirement 2.

Relevant TAP policies are:

- TAP Procurement Management and Strategy: TAP-PRO-ST-0002;
- TAP Project Health, Safety & Environment Management TAP-HSE-PR-0007;
- TAP Corporate Social Responsibility Policy;
3.2 **Freedom of association and collective bargaining**

Though it is not likely that non-permanent workers will be systematically discouraged from forming or joining a trade union in the specialist construction firms which will be engaged on the Italian section of the pipeline because of the importance of these rights, TAP will issue guidance for managers and contractors with regard to the importance of the principles of freedom of association and collective bargaining, pursuant to commitments in its CSR policy.

The relevant benchmark is EBRD Performance Requirement 2 and Italian national law.

Relevant TAP policy is:

- TAP Corporate Social Responsibility Policy.

3.3 **Regular employment and labour contracts**

To ensure workers engaged by TAP contractors and suppliers will be lawfully employed under Italian labour legislation, TAP will develop, implement and monitor the observance of a Project-wide Human Resources Policy applicable to all workers on the Project, whether directly employed by TAP or through contractors. The policy will require employment terms to be communicated to all workers in line with TAP’s policies and commitments, including position & tasks required, duration, working hours, salary, overtime payment, rest and leave entitlements.

The relevant benchmarks are EBRD Performance Requirement 2 and Italian legislation.

Relevant TAP policy is:

- TAP Corporate Social Responsibility Policy

3.4 **Equality and non-discrimination in the workplace**

TAP is committed to minimise any risk of employment discrimination by contractors arising from lack of capacity to prevent discrimination or harassment against women, migrant workers, and ethnic minorities as well as on the basis of sexual orientation in access to employment and conditions of work. For this purpose, TAP will:

- Develop, implement and monitor a Project-wide Human Resources Policy, making explicit TAP’s commitment to uphold the principles of non-discrimination in the workplace;

- Develop and implement an Anti-Harassment Policy;
Monitor the implementation of the above policies by TAP service providers as well as contractors and their sub-contractors.

The relevant benchmarks for these actions are is EBRD Performance Requirement 2, Italian anti-discrimination legislation and EU Legislation on Posted Workers.

Relevant TAP policies are:

- TAP Corporate Social Responsibility Policy;
- TAP Code of Conduct.

### 3.5 Access to Compensation and Reparation

To ensure access by individuals or groups affected by the pipeline to an appropriate compensation and reparation for any violations of rights, if they occur, TAP has developed and implemented a Third Party Grievance Mechanism, providing access to a prompt and effective compensation and reparation for grievances through a simple, understandable and transparent process. In addition, TAP will develop a Workers’ Grievance Mechanism, covering both direct and contractor employees.

Relevant benchmarks include EBRD Performance Requirements 2 and 10, and the UN Guiding Principles on Business and Human Rights.

Relevant TAP policies are:

- TAP Corporate Social Responsibility Policy;

### 3.6 Security

To reduce any possible risk of poor conduct on the part of private security operatives likely to be engaged around worksites and pipeline facilities, TAP will investigate the professional experience and record of any potential security contractors and undertake a preliminary assessment prior to engagement of security services. These steps, which are in line with the Voluntary Principles for Security and Human Rights, will complement the security due diligence processes identified within TAP’s existing Health, Safety and Environment Risk Management procedure. TAP will ensure that security service providers comply with all of TAP’s policies including the Code of Conduct.
Relevant benchmarks include the Voluntary Principles for Security and Human Rights and Italian legislation on regulation of private security.

Relevant TAP policies are:

- TAP Corporate Social Responsibility Policy;
- TAP Code of Conduct;

### 3.7 Transparency

To minimise any risk that economic interactions may lead to a lack of transparency around how income from the pipeline is used, TAP will implement and monitor the observance of the TAP Code of Conduct and Italian legal provisions on transparency and anti-bribery by TAP service providers, contractors, their subcontractors and workers and anyone acting on behalf of TAP. To minimise any potential interference of organized crime, TAP will carefully screen all contractors and collaborate with relevant authorities, including the Lecce office of the DIA (*Direzione Investigativa Antimafia*).

Relevant TAP policies are:

- TAP Code of Conduct;
3.8 Freedom of expression, assembly and association (civic)

TAP will take measures to support the principles of freedom of expression, assembly and association. TAP will actively engage with stakeholders and publicly solicit their views and opinions through stakeholder engagement and the distribution of TAP’s existing Third Party Grievance Mechanism. TAP will ensure that service providers as well as contractors and their sub-contractors comply with all of TAP's policies.

Relevant TAP policies are:

- TAP Corporate Social Responsibility Policy;

3.9 Participation and access to information

TAP is committed to ensure adequate consultation of communities, particularly on environmental matters or issues affecting livelihoods (such as fishing, farming communities) in order to support freedom of information. TAP will identify and engage with local representative stakeholders in relation to social investment programmes - including provision of work skills training - and develop a system to track the benefits to communities. TAP will ensure that service providers as well as contractors and their sub-contractors comply with all of TAP’s policies and procedures on stakeholder consultation and freedom of information.

The relevant benchmarks for these actions are the IFC principles on Social and Environmental Investment and EBRD Performance Requirement 10.

Relevant TAP policies are:

- TAP Corporate Social Responsibility Policy;
- Stakeholder Engagement Strategy: TAP HSE-ST-0009;