

VANUATU 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Vanuatu is a multiparty parliamentary democracy with a freely elected government. Following a snap election in 2016, which observers considered generally free and fair, parliament elected Charlot Salwai as prime minister. The president is head of state. Parliament elected Tallis Obed Moses president in July 2017.

The national police maintain internal security. The Vanuatu Mobile Force, a paramilitary police unit, is responsible for external security but also has some domestic-security responsibilities. Both agencies report to the Ministry of Internal Affairs. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included corruption, and minimal progress in reducing the worst forms of child labor.

The government made efforts to prosecute and punish abuses by officials, although some police impunity persisted.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, and there were no reports that government officials employed them. Civilian authorities did not always have effective mechanisms to punish police abuse or corruption but exercised overall control of the force. The law mandates the Office of the Ombudsman to

investigate complaints of security force abuses. Additionally the police Professional Standards Unit (PSU) investigates allegations of ethics violations and misuse of force, and may also prosecute cases in court. As of November the PSU received 81 complaints of both disciplinary (49) and criminal (32) misconduct. Of the 32 criminal complaints, 24 were addressed, and of the 49 disciplinary cases, 40 were addressed through the internal disciplinary complaints process.

Foreign assistance designed to address some of the problems confronting the security force continued. Under the Vanuatu Australia Police Project, the number of Australian Federal Police advisors working full time remained at four.

Prison and Detention Center Conditions

Overcrowding and inadequate sanitary conditions in prisons created harsh conditions.

Physical Conditions: Male and female detainees were held in separate prison facilities. The country has no juvenile prison, so juvenile offenders are remanded to home communities, where tribal elders or in some cases a community justice supervisor oversees the court-appointed sentence. Probation officers regularly check in with the offender, noting compliance with the sentence.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted visits by media and independent human rights observers. Representatives from the Office of the Ombudsman, the International Committee of the Red Cross, the British High Commission, and the New Zealand Office of the Ombudsman visited the prisons.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

A warrant issued by a court is required for an arrest, although police made a small number of arrests without warrants. Authorities generally observed the constitutional provision to inform suspects of the charges against them.

The law outlines the process for remanding alleged offenders in custody. To remand a person in custody requires a valid written warrant from a magistrate or a Supreme Court justice. Warrants typically are valid for 14 days in the first instance, and the court may extend them in writing. In general the Correctional Services Department's practice was not to accept any detainee into custody without a valid warrant. A system of bail operated effectively, although some persons not granted bail spent lengthy periods in pretrial detention due to judicial inefficiency. Authorities allow detainees prompt access to counsel and family members. The Public Defender's Office provides free legal counsel to indigent defendants, defined as those who earn less than 50,000 vatu (VUV) (\$430) per year.

Arbitrary Arrest: On July 5, authorities assisted Chinese police to deport six Chinese nationals. According to local and international media, the six (four of whom had recently obtained Vanuatu citizenship through a program designed to attract Chinese investment) were arrested after the Chinese embassy provided warrants and were held for several days at the Chinese state-owned construction company where they worked. They had no legal hearing before being deported. The internal affairs minister stated that was because they were not charged with any crime in the country. Local lawyers said the detention of the six was unlawful absent a court order, and that they should have been allowed to contact a lawyer.

Pretrial Detention: Pretrial detainees constituted approximately one-quarter of the prison population. Judges, prosecutors, and police complained about large case backlogs due to a lack of resources and limited numbers of qualified judges and prosecutors. The average length of time spent in remand before a case went to trial was approximately 12 weeks, although it could be longer in the outer islands.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. The judicial system derives from British

common law. Judges conduct trials and render verdicts. The courts uphold constitutional provisions for a presumption of innocence, a prohibition against double jeopardy, a right to counsel, a right to free assistance of an interpreter, a right to question witnesses, a right not to be compelled to testify or confess guilt, a right to be present at trial, and a right of appeal. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters, including for human rights violations. The government, including police, generally complied with court decisions on human rights violations. Reports continued that police sometimes did not promptly enforce court orders related to domestic violence (see section 6, Women).

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press and judiciary and a functioning democratic political system combined to promote freedom of speech and press.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views.

Violence and Harassment: In November, Dan McGarry, a Canadian citizen, long-time resident, and the editor of the country's largest independent newspaper, the *Daily Post*, told media that the government had refused to renew his work permit.

According to McGarry the government claimed this was in order to fill the position by somebody from the country, but McGarry said that in July the prime minister had summoned him and berated him for “negative reporting.” McGarry believed the prime minister was specifically displeased with *Daily Post* reporting in July about the government’s cooperation with China to deport six Chinese nationals, four of whom had recently acquired Vanuatu citizenship through a program designed to attract Chinese investment.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

The country faced multiple volcanic eruptions, earthquakes, cyclones, and tsunami during the year. In August 2018 the prime minister ordered a mandatory evacuation of 10,000 persons threatened by a volcanic eruption on the island of Ambae and urged resettlement in evacuation centers on nearby islands. In January the Council of Ministers approved a plan to restore services in Ambae. As of

March more than 4,000 individuals had returned to Ambae. Internally displaced persons complained that it was difficult to earn an income or access food and water in some evacuee camps. There were similar evacuations from the island in 2017, and those displaced were able to return to their homes after approximately one month.

f. Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, but the government developed an ad hoc system for providing protection to refugees and granted temporary refugee status and asylum to those seeking it while awaiting resettlement by the Office of the United Nations High Commissioner for Refugees (UNHCR). The government cooperated with UNHCR in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Despite time and funding constraints faced by the Electoral Commission, international and domestic observers considered the 2016 snap election free and fair. Of 24 election disputes filed by unsuccessful candidates, the commission dismissed 23 for lack of evidence. One dispute necessitated a recount, which changed the result of the election for that seat. Voter rolls continued to be problematic and larger than would be expected based on population size, but this situation did not appear to affect results significantly.

Political Parties and Political Participation: Political parties operated without restriction but were institutionally weak, with frequent shifts in political coalitions and unstable parliamentary majorities. Most of the 28 political parties that contested the 2016 election were newly formed.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process. Traditional attitudes regarding male dominance and customary familial roles, however, hampered women's participation in political life. No women served in the 52-member parliament, although eight women contested the 2016 election. In May 2018 the Vanuatu Council of Women formed a political party aimed at achieving gender equality in parliament. In October women coordinating with Vanuatu Oxfam launched a get-out-the-vote campaign entitled "Vote for Women," with the aim to support all women planning to contest the 2020 elections regardless of political affiliation.

The law allows municipal governments to reserve council seats for women for each ward in each municipality, and Port Vila and Luganville have done so. Port Vila has five reserved seats for women out of 14 seats in the municipal council. Luganville has four seats reserved for women out of 13 seats. In March 2018 Port Vila voters elected a woman to an open seat. Women interested in running for public office received encouragement from the Vanuatu Council of Women and the Department of Women's Affairs, which also offered training programs.

A small number of ethnic-minority persons (non-Melanesians) served in parliament. Prime Minister Salwai is from the francophone population, a linguistic minority.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government made some efforts to implement the law. Officials sometimes engaged in corrupt practices with impunity, and there were isolated reports of government corruption.

The Office of the Ombudsman and the Auditor General's Office are key government agencies responsible for combating government corruption. In July, Hamlison Bulu was appointed ombudsman.

Corruption: The law provides criminal penalties for corruption by officials, and the government generally implemented the law. In 2017 the Office of the Ombudsman recommended that Deputy Prime Minister Bob Loughman be prosecuted for breaching the leadership code by trying to exercise undue influence over the member selection process for the Vanuatu Institute of Teacher Education. As of November the Public Prosecutor's Office had not acted on the recommendation.

In July an official from the Department of Strategic Planning and Policy was sentenced to eight years in prison for embezzling VUV 5.6 million (\$48,200) in public funds.

Also in July an official from the Department of Education was sentenced to 14 months in prison for defrauding the state of VUV 6.88 million (\$59,200) in public funds.

Financial Disclosure: Members of parliament and elected members of provincial governments are subject to a leadership code of conduct that includes financial disclosure requirements. They must submit annual financial-disclosure reports to the clerk of parliament, who then publishes a list of elected officials who did not comply. The Office of the Ombudsman, which investigates those who do not submit reports, confirmed that some officials did not comply with these requirements. Reports are not made available to the public, and the ombudsman only has access for investigative purposes.

In September 2018 Kalo Seule, a sitting member of parliament, was convicted of tax evasion for not declaring income from his personal business. Seule appealed his conviction; however, the magistrate court had no jurisdiction to hear the charges relating to a monetary claim exceeding VUV 988,000 (\$8,500), so the case was transferred to the Supreme Court in October 2018.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: In consultation with other political leaders, the president appoints a government ombudsman to a five-year term. Investigating alleged human rights abuses is among the Office of the Ombudsman's responsibilities. The office, however, does not have the power to prosecute, and the findings of its investigations are not admissible as evidence in court proceedings. The ombudsman referred cases deemed valid to the Public Prosecutor's Office for action, but there were few prosecutions.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape--regardless of the victim's gender--is a crime with a maximum penalty of life imprisonment. The law does not specifically criminalize spousal rape, but it can be prosecuted under related statutes that cover assault and domestic violence. The law criminalizes domestic violence and seeks to protect the rights of women and children. Violators could face maximum prison terms of five years, a maximum fine of VUV 100,000 (\$860), or both. The law also calls for police to issue protection orders for as long as there is a threat of violence.

Police were frequently reluctant to intervene in what they considered domestic matters. There is, however, a "no drop," evidence-based policy under which police are not supposed to drop reported domestic-violence cases. The Police Academy and the New Zealand government provided training for police in responding to domestic-violence and sexual-assault cases.

Violence against women, particularly domestic violence, was common. According to the most recent survey data available, 60 percent of women in a relationship experienced physical or sexual violence by a partner. According to a 2017 report from Correctional Services, more than 60 percent of prison inmates were charged with sex-related offenses. Most cases, including rape, were not reported to authorities because women, particularly in rural areas, were ignorant of their rights or feared further abuse.

There were no countrywide government information programs designed to address domestic violence. Although media attention to domestic violence and abuse was generally limited, the killings of two women by their partners in Port Vila in 2017 received significant attention.

The Department of Women's Affairs played a role in implementing family protection. Nongovernmental organizations (NGOs) played an important role in educating the public about domestic violence and helping women access the formal justice system, but they lacked sufficient funding to implement their programs fully.

Other Harmful Traditional Practices: Customary bride-price payments continued and contributed to the perception of male ownership of women.

Sexual Harassment: The law does not prohibit sexual harassment, and it was a problem. Sexual harassment was widespread in the workplace.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution provides women the same personal and religious rights as men. Laws regarding marriage, criminal procedures, and employment further enshrine women's rights as equal to those of men. The law, however, does not allow citizen mothers alone to transmit citizenship to their children.

Although the law does not prohibit women from owning or inheriting property or land, tradition generally bars women from land ownership or property inheritance.

Women were slowly emerging from a traditional culture characterized by male dominance, but women continued to experience discrimination in access to employment, credit, and pay equity for substantially similar work. The Department of Women's Affairs worked with regional and international organizations to increase women's access to the formal justice system and educate women about their rights under the law, holding multiple open workshops throughout the year that coincided with public holidays to encourage participation at the local community level.

Children

Birth Registration: A citizen father, but not a citizen mother, may transmit citizenship to a child regardless of where the child is born. A child born of a citizen mother may apply for citizenship at age 18. The lack of citizenship at birth can cause a child to be denied passports and other rights and services. Parents usually registered the birth of a child immediately, unless the birth took place in a very remote village or island. Failure to register does not result in denial of public services.

Education: The government stressed the importance of children's rights and welfare, but significant problems existed with access to education. Although the government stated its commitment to free and universal education, school fees and difficult geography were barriers to school attendance for some children.

School attendance is not compulsory. In general boys received more education than girls. Although attendance rates were similar in early primary grades,

proportionately fewer girls advanced to higher grades. An estimated 50 percent of the population was functionally illiterate.

Child Abuse: The country does not have a legal definition of child abuse, but the law addresses sexual abuse of children and states that parents must protect children from violence within the family setting. The national child protection policy recognizes the government's responsibility to protect all children from violence, abuse, exploitation, and neglect and includes the need to introduce a child protection bill.

NGOs and law-enforcement agencies reported increased complaints of child abuse, incest, and rape of children in recent years. A 2017 UNICEF report stated that eight of 10 children from ages two to four experienced violent discipline at home. It also stated that one in three children experienced severe physical punishment at home and that sexual abuse before the age of 15 affected three of 10 children. The government did little to combat the problem.

In April 2018, for example, a six-year-old girl was abducted from her home, raped, and killed. In April the perpetrator was found guilty and sentenced to life imprisonment by the Supreme Court in the first case prosecuted under the Penal Code amendment of 2017.

Early and Forced Marriage: The legal age for marriage is 21 years, although boys as young as 18 and girls as young as 16 may marry with parental permission. In rural areas and outer islands, some children married at younger ages. In 2018 UNICEF reported that approximately 21 percent of children married before age 18.

Sexual Exploitation of Children: The law addresses statutory rape, providing a maximum penalty of five years' imprisonment if the child is older than 13 but younger than 15, or 14 years' imprisonment if the child is younger than 13. The law also prohibits commercial sexual exploitation of children, the sale of children, and the offering or procuring of a child for the purpose of prostitution or pornography. There were no criminal cases dealing with pornography or child sexual exploitation during the year.

The maximum penalty for publishing child pornography is five years' imprisonment and for possession, two years' imprisonment.

Under the law the age of consensual sex is 16 regardless of sex or sexual orientation. Some children younger than 18 engaged in prostitution.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The country's Jewish community consisted of a few foreign nationals, and there were no reports of anti-Semitic acts.

Trafficking in Persons

In November 2018 four Bangladeshi nationals were arrested for trafficking 100 Bangladeshi men and two children to work for the Mr Price company (a South African retailer) in Vanuatu. At their September hearing, all four pleaded not guilty. The trial in the Supreme Court began on November 21, but it recessed on December 6 with a scheduled January 2020 resumption. Of the 102 victims, 77 have departed the country, and 25 remained as witnesses against their alleged traffickers.

Persons with Disabilities

No law specifically prohibits discrimination against persons with disabilities. Although the building code mandates access for persons with disabilities in existing and new facilities, they could not access most buildings.

The government did not effectively implement national policy designed to protect the rights of persons with disabilities. Access to services through the Ministry of Health's mental-health policy was very limited. Schools were generally not accessible to children with disabilities.

The government generally relied upon the traditional extended family and NGOs to provide services and support to persons with disabilities. The high rate of unemployment in the general population, combined with social stigma attached to disabilities, meant few jobs were available to persons with disabilities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws criminalize sexual orientation or consensual same-sex sexual conduct, but there were reports of discrimination and violence against lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons. LGBTI groups operated freely, but there are no antidiscrimination laws to protect them.

Other Societal Violence or Discrimination

Traditional beliefs in sorcery fueled violence against persons marginalized in their communities, although there were no documented cases during the year. Women were often targets of opportunity.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, strike, and bargain collectively. This right is not extended to the police force or prison service. While the law does not require union recognition by the employer, it prohibits antiunion discrimination once a union is recognized. Unions are required to register with the government and to submit audited statements of revenue and expenditure to the registrar annually. Unions require government permission to affiliate with international labor federations; the government has not denied any union such permission.

The law prohibits retaliation for legal strikes but does not explicitly require reinstatement for workers fired for union activity. Unions are independent of the government, but there were instances of government interference in union activities. The law requires unions to give 30 days' notice of intent to strike and to provide a list of the names of potential strikers. A union must also show that it has attempted negotiation with the employer and reported the matter to the industrial registrar for possible mediation. The minister of labor may prohibit persons employed in essential services from striking. Under the law a court may find any person who fails to comply with such a prohibition guilty of an offense; similarly, for strikes in nonessential services, courts may also find workers failing to comply with procedural requirements guilty of an offense. Convictions for such offenses may result in an obligation to perform compulsory labor in public prisons.

Complaints from private-sector workers about violations of freedom of association are referred to the Department of Labor for conciliation and arbitration. The

Public Service Commission handles complaints of violations from public-sector workers. Complaints of antiunion discrimination must be referred to the Department of Labor. According to the commissioner for labor, the department has a dispute-resolution process to manage these grievances.

The government effectively enforced applicable law without lengthy delays or appeals. Resources were limited, and investigations were generally only carried out following complaints. Penalties for violating the law were sufficient to deter violations.

The government and employers respected freedom of association, but the right to collective bargaining was not explicitly laid out in the law. In May the Teachers Union issued a strike notice demanding that the government settle teachers' grievances regarding pay-scale anomalies and outstanding benefits. The government and the union agreed to a settlement before any strike action. In June the Ministry of Education promised the Vanuatu Teachers Commission that the first tranche of VUV 153 million (\$1.32 million) would be released, settling the outstanding salaries of 576 teachers. A future installment of VUV 376 million (\$3.23 million) was allocated for the remaining 585 teachers. These installments were appropriated in the current VUV 506 million (\$4.35 million) supplementary budget.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, and the law prohibits slavery and human trafficking. The law excludes from the definition of forced labor any work or service that forms part of the national civic obligations of citizens, but the law does not define such work.

The government effectively enforced the law. Penalties for violating the law were sufficient to deter violations. There were no reports that forced labor occurred.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not explicitly prohibit all of the worst forms of child labor. The law establishes the minimum age for employment at 14. The law prohibits children younger than 12 from working outside family-owned agricultural production, where many children assisted their parents. Children ages 12 to 14 may perform light domestic or agricultural work if a family member works alongside the child, and agricultural work if the community does it collectively. Children younger than

18 generally may not work on ships; however, with the permission of a labor officer, a child age 15 may work on a ship. Although parliament established a minimum age of 15 for hazardous work, the law does not comply with international standards, because it does not prohibit children ages 16 to 17 from engaging in hazardous work, such as industrial labor and work on ships.

The government did not release enough information related to its enforcement of child-labor law to determine whether the law was effectively enforced. The Department of Labor confirmed there were no reported cases of illegal child labor during the year, and department action to address child labor was limited to informal presentations on the topic. There were no reports of government stopping child-labor activities or imposing administrative barriers. Penalties were not sufficient to deter violations.

According to the National Child Protection Policy, the country has no data to determine the nature and prevalence of child labor. The Department of Labor stated, however, that most child workers were involved in logging activities. Logging activities expose children to hazardous activities including having no proper protective equipment to operate machines, no proper training, and no regular medical checkups. Children were also involved in handling or lifting heavy loads. There were also reports of a lack of regular inspection from forestry and other appropriate government agencies to provide appropriate guidance to the workers.

There were no credible reports of children employed in agriculture illegally, although legal employment of children in hazardous work could constitute a worst form of child labor. There were reports children were subjected to commercial sexual exploitation (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits employment discrimination with respect to race, religion, political opinion, traditional beliefs, place of origin or citizenship, language, or sex.

The government did not effectively enforce prohibitions on employment discrimination against women, which was widespread. The penalties for violation of this prohibition are not sufficient to deter violations.

Discrimination against women was especially common in promotions to management positions. Persons with disabilities also faced discrimination with respect to employment and occupations. The International Labor Organization noted that legislation allowing for the removal of persons with disabilities from some senior positions appeared to reflect an assumption that persons are incapable of holding such a position if they have any form of disability.

e. Acceptable Conditions of Work

The minimum wage is above the national poverty income level.

The law provides for a 44-hour maximum workweek, and the total number of hours worked, including overtime, should not exceed 56 hours per week. Workers must receive more than three days paid annual holidays. The law provides for a premium of 50 to 75 percent more than the normal rate of pay for overtime work.

The law includes provisions for occupational safety standards, which are up-to-date and appropriate for the main sectors. Legal provisions on working conditions and safety standards apply equally to foreign workers and citizens in the formal sector. Application of safety and health provisions were inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing. While workers have the legal right to remove themselves from dangerous situations, the government did not protect workers in this situation.

The government did not effectively enforce the law, especially in the informal sector. The labor commissioner stated that most companies complied with the wage rate and inspectors conducted routine inspections to determine that minimum wages were paid. The number of inspectors was not sufficient to deter violations. Penalties were not sufficient to deter violations. The government did not receive any formal complaints of violations regarding minimum wage, hours of work, or safety standards during the year.

Many companies in logging, agriculture, construction, and manufacturing did not provide personal safety equipment and standard scaffolding for workers.