



Government of Nepal

Ministry of Communication and Information Technology (MoCIT)

Digital Nepal Acceleration (DNA) Project
LABOUR MANAGEMENT PROCEDURES
(LMP)

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EXECUTIVE SUMMARY

Introduction. The Labour Management Procedures (LMP) details the systematic requirements in accordance with the provisions of Government of Nepal's legislation and the World Bank's Environmental and Social Standards to manage project workers' under the Digital Nepal Acceleration (DNA) Project. It promotes proper worker management relationships and enhances development benefits of the project by treating workers in the project fairly, and providing safe and healthy working conditions. The LMP applies to all category of workers to be engaged in the project whether they are full-time, part-time, temporary, seasonal or migrant workers. Among four categories of workers as defined in ESS2 (direct workers, contracted workers, primary supply workers and community workers), the DNA Project will include direct workers, contracted workers and possible primary supply workers.

A Project Management Unit (PMU) under the Ministry of Communication and Information Technology (MoCIT) and four Project Implementation Teams (PIT) at MoCIT itself, DoIT, NITC and NTA will be responsible for planning and implementation of the project and will deploy different types of direct workers in the respective entity. The PMU will have project Coordinator; a Financial Management Specialist; a Procurement Specialist; a M&E Specialist; an Environmental Specialist and a Social Development Specialist and support staffs. A PIT at each entity will comprise of a project manager, accountant/finance, procurement, and environmental/social staffs (PIT ESS) who will be in charge of project implementation. The specialist and support staffs under PMU and PIT will be procured on contractual bases complying with Public Procurement Act 2007, and the Labour Act 2017. The PIT may employ or engage contracted workers for the civil construction and other service units locally to avoid labour influx and to reduce the need to set up labour camps. The project may require the use of primary supply workers. Given that subprojects have not been identified, it is not possible to determine at this stage the estimated number of contracted workers at each PIT for the subprojects.

Potential Labor Risks and Impacts: The major labor risks are associated with the construction and upgrading of broad band infrastructures services. Risk associated with Occupational health and safety (OHS) such as; injury, falling from heights, impact of e-waste, poor working conditions and lack of personal protective equipment (PPE) are expected. Some construction/upgrading broadband infrastructures works or work in relation to technology upgrading may require technical experience from outside the local level triggering risks associated with labour influx and however it is expected to be small scale and short term. Similarly, the risk of child or forced labour is not significant and however, the mitigation measures will be placed to prevent the risks obliged with ESS-2 and GoN's policy. It is expected that risk associated with SEA/SH will be of moderate level given that the project is expected to use mostly local labor and therefore GBV-related risks are reduced. Regular awareness raising activities and training will be provided to workers before and during commencement of work on the importance of OHS, SEA/SH relates issues, and code of conduct (CoC consistent with World Bank Health and Safety EHS) Guidelines.

Legislation and Terms and Conditions. Labor management rights are enshrined in the Constitution of Nepal 2015 through various articles such as Article 29 on the right against exploitation, Article 34 on the rights to fair labour practice including appropriate remuneration, facilities and contributory social security; and Article 51 which includes policies related to labor and employment. The Labour Act 2017 and Labor Regulations 2018 provisions the standards and requirements related to Contract for employment, Working hours and overtime, Payment of wage, leave and benefits, Social security, termination, redress, work environment, recruitment, unionization, Sexual harassment and discrimination, Equal opportunity and non-discrimination, child labour, Occupational Health and Safety (OHS) including use of PPE, preparation of a Workplace Health and Safety Policy, formation of

a Safety and Health Committee, Access to a grievance mechanism and inter alia. Further, it provides stringent sanctions for violations of these provisions. Sanctions include fines and/or imprisonment. The project will require to introduce standard Codes of Conduct (CoC), conditions of contract agreement and complying to GoN's act and regulation and ESS 2 and ESS4 of the World Bank's ESF.

Implementation Procedure and Responsible Staff. An Environmental Specialist and a Social Development Specialist stationed at PMU will be responsible to ensure the compliance of LMP including the SEA/SH related issues and resolution of SEA/SH grievances in relation to workers. The respective Project Implementation Unit (PIT) with the support from the PIT ESS ~~Environment and Social risk management officer~~ will be directly responsible for implementation of the provision of the LMP. Further, the contractor will be responsible for the management of its workers and any subcontractors in accordance with this LMP with clear provision of standardized E&S clauses into bidding documents and contracts including measures in relation to SEA/SH prevention and risk mitigation and on codes of conduct, so that contractors are aware on their obligations. PIT will report the minor incidents directly to PMU on a monthly basis and serious incidents will be reported immediately and will be flagged to the World Bank. The functions and individual responsibility will be further described in respective subproject environmental and social management plans (ESMPs) or screening reports.

Grievance Mechanism (GM). Based on national legislation and ESS2, the project will have a formal mechanism and procedure to enable workers to submit workplace grievances. The GM system as proposed in the Stakeholder Engagement Plan (SEP) for the project will also function to address workers grievances as well. The grievance mechanism for workers will include transparent channels for submitting workplace grievances, explicit standards and deadlines to respond to grievances, effective institutional structures and processes to receive, address and resolve grievances. The procedure will allow workers to escalate grievances to a senior level if it not resolved at the LL, and also to give the worker the right to lodge a dispute with the PIT and then to the PMU/MoCIT.

Provisions related to SEA/SH and gender-based violence (GBV) are outlined in section 6 and 132 of the Labour Act 2017. All SEA/SH related complaints, with the survivor's consent, will be referenced to the project identified service provider who will further manage the case in a survivor centric approach and will report back to the project GBV GRM once the case is solved.

Compliance Monitoring and Reporting. Contractors are responsible to keep records of workers in accordance with this LMP. Implementation performance of LMP will be regularly monitored by PIT. The sub project specific report on compliance of the LMP including management of worker-related grievances will be submitted regularly to the PMU, and PMU will report to the World Bank with other submissions.

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LABOUR MANAGEMENT PROCEDURES

1. INTRODUCTION

1. The Labour Management Procedures (LMP) provides project workers under the project to be managed in accordance with the requirements of Government of Nepal legislation and the World Bank's Environmental and Social Standards. This LMP provides a summary of the category of workers under the project, an overview of the main risks and mitigation measures throughout project implementation in relation to labour, with particular reference to occupational health and safety (OHS) and grievance redress.
2. The objective of the LMP is to promote proper worker management relationships and enhance development benefits of the project by treating workers in the project fairly, and providing safe and healthy working conditions for project sustainability.

2. OVERVIEW OF LABOUR USE IN THE PROJECT

3. The LMP applies to all types of workers to be engaged by the project whether they are full-time, part-time, temporary, seasonal or migrant workers. The World Bank Environmental and Social Standard (ESS) on Labour and Working Conditions defines four categories of workers:
4. **Direct workers:** People employed or engaged directly by the Borrower, including by implementing agency and partner, to work directly on the project
5. **Contracted workers:** People employed or engaged by contractors or sub-contractors to perform work related to the core functions of the project
6. **Primary supply workers:** These provision under ESS2 apply where the project has a sufficiently significant and ongoing relationship.
7. **Community workers:** People employed or engaged in providing community labour, generally voluntarily.
8. Among these four types, the DNA Project will include direct workers, contracted workers and possible primary supply workers. A Project Management Unit (PMU) will be established within the Ministry of Communication and Information Technology (MoCIT) which will be responsible for day-to-day management of the project, the set-up and implementation of the project, monitoring of activities, and production of implementation progress reports and assessments. A number of direct workers of different types will be employed by the PMU for the implementation of environmental and social issues, including planning and monitoring. Similarly, there will be four Project Implementation Teams (PIT) at MoCIT itself, DoIT, NITC and NTA and will be responsible for preparation and implementation of sub projects. Direct workers of different types will be employed by the PITs for the planning and implementation of environmental and social issues.
9. **Direct workers:** The PMU will recruit consultants and support staff to work on contractual bases. The terms and conditions of these consultants are guided by the prevailing Public Procurement Act 2007, and the Labour Act 2017. The consultants are guided by specific contracts with the DNA Project. The LMP also apply to civil servants being those seconded for project implementation. These core PMU staff comprise: a project Coordinator; a Financial Management Specialist; a Procurement Specialist; an M&E Specialist; an Environmental Specialist and a Social Development Specialist.
10. At the PIT level, existing entities (DoIT, NTA and NITC) will provide program staff who work with the PMU to implement respective sub-projects. A PIT at each entity will comprise of a project manager, accountant/finance, procurement, and environmental/social staff who will be in charge of project

implementation. The project will also have civil servants responsible for undertaking different activities under component 1, 2 and 3.

11. **Contracted workers:** Based on subproject activities at PIT Levels, the respective entity may employ or engage contracted workers for the minor civil construction and other service units. It is likely that given the nature of activities (many of which are already being implemented in the country, and the limited duration of works) that these will be employed locally to avoid labour influx and to reduce the need to set up labour camps. Given that subprojects have not been identified, it is not possible to determine at this stage the estimated number of contracted workers at each PIT for the subprojects. The following contracted workers may be required: professionals (eg project manager, site engineer); logistics officer; monitoring and supervision officer; administrative office; finance officer; manual labourers (skilled and unskilled workers). The contracted workers are eligible to work for a fixed period.
12. **Primary supply workers:** The project may require the use of primary supply workers during the minor upgrading of service units as well as procurement of IT equipment and materials. The primary supply worker provisions of ESS2 would apply to those workers with whom the project will have a significant and ongoing relationship.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

13. The major labor risks are associated with the construction and upgrading of broad band infrastructures services. These risks comprise:
 - **Occupational health and safety (OHS) risks:** expected risks relate to potential for injury, falling from heights, impact of e-waste, poor working conditions and lack of personal protective equipment (PPE). As the wearing of PPE is not general practice on work sites across Nepal, awareness raising and training will be provided to workers prior to commencement of work on the importance and use of PPE on work sites, consistent with World Bank Health and Safety EHS Guidelines.
 - **Labor influx:** Whilst some construction upgrading works; Data centres, towers, broad band networks infrastructures or work in relation to technology upgrading may require technical experience from outside the local level, it is expected that given the small scale of civil works, and the priority will be to hire local labour, risks associated with labour influx are small. It is also expected that there will be required limited labor camps.
 - **Child & Forced labour:** Based on expected project activities and the sector of work, the risk of child or forced labour is not significant. However, the project will put in place mitigation measures to prevent against the risk of child labour, and it is also prohibited by GoN legislation. Workers below the age of 18 will not be hired to work in subprojects. To confirm that workers are below the age of 18 years, workers will need to provide legally recognized documents such as a Citizenship Card or Birth Certificate.
 - **SEA/SH:** The SEA/SH risk assessment for the project is rated as moderate. Increased risk of GBV is generally associated with labor influx, however given that the project is expected to use mostly local labor, GBV-related risks are reduced. Contracted workers will be required to sign a code of conduct (CoC) to mitigate against the risks of SEA/SH risks, and workers will receive awareness training on SEA/SH relates issues. There are some risks associated with community outreach related activities such as exposure of infected workers to communities and beneficiaries, and SEA/SH, however these will be addressed through appropriate mitigation measures.

4. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

14. Nepal's policy and regulatory framework on labour and working conditions is evolving and responding to contemporary labor-related concerns at the workplace. Labor management rights are enshrined in the Constitution of Nepal 2015 through various articles such as Article 29 on the right against exploitation, Article 30 on the right to a clean and healthy environment, Article 34 on the rights to fair labour practice including appropriate remuneration, facilities and contributory social security; and Article 51 which includes policies related to labor and employment.
15. The Labor Act 2017 and Labor Regulations 2018 have addressed previous weaknesses in the previous Labour Act 1992 and Labour Rules 1993 with new requirements for employers to ensure workers against medical liabilities and worksite accidents, and represents the key legislation on labour in Nepal. The Labour Act 2017 provides all labour and workforce related provisions include wage, termination, redress, work environment, recruitment, unionization, and child labour (however it does not stipulate what age a child is for the purposes of the Act). Further labour management provisions are included in the Labour Rules 2018.

16. Table 4.1: Major gaps between national system and WB ESSs

WB ESS	Gaps
ESS2: Labor and Working Conditions	<p>(i) The <i>Labor Act 2017</i> does not specifically require that development be assessed and reviewed in terms of labor and working conditions including OHS requirements before approval.</p> <p>(ii) The <i>Labor Act 2017</i> does not require development projects to prepare Labor Management Plans/Procedure or OHS Plan.</p> <p>(iii) The <i>Labor Act 2017</i> prohibits the employment of children (section 5), however the age of a child is not stipulated for the purposes of the Act. The <i>Child Labor (Prohibition and Regulation) Act 2000</i> prohibits the employment of any child below the age of 14 while children below the age of 16 are prohibited to work in hazardous work environments such as construction-related works.</p>
ESS4: Community Health and Safety	Covered under environmental impact assessments (EIA) but the systems do not provide clear requirements for project development and implementation.

17. Relevant aspects of Labour as per the Labour Act 2017 and ESS2 are provided below:

- **Contract for employment:** The Act stipulates the provision for employment including employment relationship, provision period, and work continuation for all short and long-term contract, and that no one shall be employed without an employment contract.
- **Working hours and overtime:** Work hours are 8 hours per day, 48 hours per week, per Article 28. If an employee works more than 48 hours per week, the worker is entitled to be paid overtime at the rate of one and a half times his ordinary wages. The maximum overtime an employee can work is 4 hours per day and 24 hours a week.
- **Payment of wages:** Every employer is responsible for wages to a worker employed by them. In the case where wages of a worker employed by a contractor are not paid by the contractor, the wages must be paid by the employer of the establishment. The maximum wage period is one month. Wages includes all economic benefits including salary, bonus, and remuneration for overtime work. Public sector wages are set by the National Pay and Wages Commission and may not be disputed. Private sector wages are set by the industry, and whilst workers have the right to involve or have an affiliation to a trade union organization, collective bargaining rarely occurs due to the high unemployment and labourers' concerns over job security. The minimum remuneration/wage of workers is NPR 13,450 as per Article 106 of the Act.

- **Timely payments:** Wages must be paid before the expiry of the seventh working day after the last day of the wage period.
- **Regular leave and benefits:** Every worker is entitled to sick paid leave, casual leave, festival holidays and mourning leave.
- **Maternity leave:** Female workers are entitled to up to 98 days paid maternity leave with full pay up to 60 days. The Act also provides for 15 days fully paid paternity leave.
- **Social security:** The Act requires gratuity and provident fund to be deposited in the Social Security Fund.
- **Notice periods:** A worker can voluntarily terminate their employment by submitting a resignation letter, which the employer must approve within 15 days and provide notice to the employee. Termination is considered a “discharge” in the case that a worker is fired for reasons of mental or physical incapacity, illness or other reason not related to misconduct by the worker. An employer must pay compensation when a termination is unrelated to discharge or dismissal and must give justification when they terminate on the grounds of discharge or dismissal.
- **Fair and unfair reasons for termination of employment:** Employment is protected other than provisions such as time-bond employment, self-resignation, work efficiency and bad health conditions.
- **Prohibition of the use of child and forced labour:** The Act prohibits the employment of children (section 5) however the age of a child is not stipulated for the purposes of the Act. The Child Labor (Prohibition and Regulation) Act 2000 is the main legal instrument prohibiting engaging children in risky activities, and makes necessary provisions regarding their health, security, services and facilities. The Act prohibits the employment of any child below the age of 14 while children below the age of 16 are prohibited to work in hazardous work environments such as construction-related works.
- **Sexual harassment and discrimination:** Section 132 of the Act prohibits sexual harassment and violence in the workplace, and breaches may result in termination.
- **Equal opportunity and non-discrimination:** The Act prohibits discrimination of any labour on the grounds of religion, colour, sex, caste, tribe, origin, language, ideological conviction or other ground. It also prohibits discrimination in remuneration on the grounds of sex. The Act Relating to the Rights of Persons with Disabilities 2017 provides rights to discrimination-free employment opportunities.
- **Primary supply workers:** The Act does not assign any responsibility to the project on the supplier’s labourers and their working conditions.
- **Freedom of association:** Where 10 workers or more are engaged in an entity, the employer can constitute a Collective Bargaining Committee.
- **Access to a grievance mechanism:** The Act outlines provides the right for any employer, worker or other person to make a complaint to a competent authority about an act in violation of the Labour Act 2017.

- **The Labour Act 2017 is not applicable to these groups:** civil service; Nepal Army, Nepal Police, Armed Police Force; Entities incorporated under other prevailing laws or situated in the Special Economic Zones to the extent separate provisions are provided; working journalists, unless specifically provided in the contract.

18. The Labour Act 2017 provides stringent sanctions for violations of these provisions. Sanctions include fines and/or imprisonment.

19. The project is required to introduce standard Codes of Conduct (CoC), conditions of contract agreement, by including all legal clauses, collective agreements and other special terms and conditions of labour, service providers, and other project parties.

5. BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

20. Specific provisions related to OHS and working conditions are stipulated in Chapter 12 of the Labour Act 2017 that also include requirements for preparation of a Workplace Health and Safety Policy, formation of a Safety and Health Committee at sites hosting 20 or more workers, appropriate safety and health arrangements, providing personal safety means to workers as required, to disseminate relevant information and provide training related to safety, prevention of communicable diseases by barring workers from joining their regular duty until their treatment is complete, providing expenses for investigation and treatment for any work-related diseases. The Labour Act 2017 empowers Department of Labours and Occupational Safety (DoLOS) to conduct inspections of establishments to determine whether the employer has made safety and health-related arrangements. Where it is found that arrangements have not been made, to give direction for making the necessary arrangements, as well as to impose penalties for violations or non-compliance. There is no separate legislation in Nepal dedicated to OHS, and there is also a lack of industry-specific standards.

21. Despite an improved regulatory landscape, studies have shown that there is inadequate attention to OHS practices in Nepal. OHS practices remain ineffective due to an inadequate legal system, limited knowledge, poor implementation and resource constraints.¹ Studies undertaken in the transport sector to understand contractors' OHS practices noted improvements in OHS practices, however, general understanding of OHS amongst contractors is limited and therefore implementation of OHS procedures is weak.² OHS procedures require adequate surveillance of the work environmental and risk assessment, which are often not undertaken in Nepal. General understanding of OHS amongst the employers as well as workers is limited to providing personal protective equipment (PPE) to workers, regardless of whether they wear the appropriate protection for work.

6. RESPONSIBLE STAFF

22. The functions and individuals responsible will be further described in subproject environmental and social management plans (ESMPs) or screening reports. An overview of arrangements is provided below. The respective Project Implementation Unit (PIT) with the support from PIT ESS will have overall responsibility for overseeing all aspects in relation to labour and working conditions including the implementation provisions of this LMP including on working conditions, OHS and community health and safety, monitoring training of workers, and ensuring that the grievance mechanism for

¹ Rudra Prasad Gautam and Jiba Nath Prasain, 'Current Situation of Occupational Safety and Health in Nepal: A Study Report' (Kathmandu: General Federation of Nepalese Trade Unions (GEFONT), 2010)

² ILO 2017, Contractor's Occupational Safety and Health Practices Under Strengthening the National Rural Transport Programme (SNTRP) Analysis I (Unpublished)

project workers is established and monitoring its implementation. At the PMU, the Environmental Specialist and the Social Development Specialist will be specifically responsible for overseeing these aspects across all Project activities. Social Development Specialist at PMU will oversee the SEA/SH related aspects across all Project activities including training to workers on SEA/SH awareness and resolution of SEA/SH grievances in relation to workers.

23. **Labour and working conditions:** The respective PIT will be directly responsible for ensuring compliance of their subprojects with the provision of this LMP, including ensuring compliance of contractors engaging in the subprojects. The Environmental and Social Specialist within the PMU will be specifically responsible for overseeing these aspects, consistent with ESS2, World Bank Group Health and Safety (EHS) Guidelines and relevant national legislation. The manager at the project site will be responsible for ensuring compliance with OHS, and includes ensuring that employees receive the relevant OHS training, and that workers sign CoCs.
24. **Engagement and Management of Contract Workers:** The contractor will be responsible for the management of its workers and any subcontractors in accordance with this LMP. This includes ensuring compliance with key aspects in particular those relating to COVID-19 mitigation measures and OHS and including the provision of training to contract workers and ensuring that their contract workers sign CoCs. Contractors will be supervised on a monthly basis or at shorter intervals as defined in ESMPs or screening reports. The PIT may at any time require records to ensure that labour conditions are being met. The PMU will review records on a regular basis and may require remedial actions if warranted. A summary of issues and remedial issues and actions will be included in six-monthly reports to the World Bank.
25. **Workers' GRM:** The project GM will receive workplace concerns and grievances from project workers at work site/Local level under ESS2. Details of worker grievances will be recorded including the occurrence date, details of grievance, date submitted, actions taken and dates, resolution and follow up. The PMU will keep abreast of worker grievances and will review the status of worker grievances on a monthly basis. The PMU will reflect the status of grievance resolution in six-monthly reports provided to the World Bank. The national system will be used in case that a grievance cannot be resolved.

7. POLICIES AND PROCEDURES

26. Minor incidents will be reported directly to PMU on a monthly basis and will be reflected in quarterly reports, and serious incidents will be reported immediately and will be flagged to the World Bank. Given that most labour related risks and impacts results from actions of contractors, mitigation measures will be largely implemented by contractors. Therefore, ensuring that contractors at the sub project implement mitigation measures is a key activity of PIT and of the PMU at an overall level. The PIT with input from PMU will incorporate standardized E&S clauses into bidding documents and contracts including measures in relation to SEA/SH prevention and risk mitigation and on codes of conduct, so that contractors are aware of their obligations in this regard, and are contractually obligated to comply with them. The PIT will enforce compliance with these clauses.

Occupational Health and Safety

27. **The project is committed to:** complying with the provision of the Labour Act 2017 and other relevant national legislation and policy, as well as requirements under ESS2 and ESS4; enabling active participation in OHS risk elimination, through training and awareness raising of appropriate skills, knowledge and attitudes towards risks; and continually improving OHS management systems and performance.

28. To further avoid workplace incidents the contractor will:

- provide protective masks, helmets, overalls, shoes, and safety goggles and other personal protective equipment (PPE) as appropriate;
- provide workers in high noise areas with ear plugs or ear muffs; higher levels of protection will be provided for more hazardous work, including the use of PPE
- demarcation of workplace and notices for hazardous areas where applicable
- accident reporting, notification and investigation of work practices at each workplace required
- ensure availability of first aid box
- properly dispose of solid waste as designated permitted landfill sites allocated by local authorities and cleaning funds
- comply with national legislation, WB ESS2 and other applicable requirements
- all workers to be covered by insurance against occupational hazards and COVID-19, including access to medical care and take paid leave if they need to isolate as a result of contracting COVID-19
- procedures confirming workers are fit to work, which may include temperature testing and refusing entry to sick workers (with insurance in place to cover payment as described above).

29. All project workers will need to follow all relevant measures in relation to COVID-19 which follow both the WHO guidelines along with the World Bank's interim note, "Covid-19 Considerations in Construction and Civil Works Projects".

30. Further to enforcing compliance of environmental management, contractors are responsible and liable for the safety of site equipment, workers attending worksite sites, and safety of community members at each subproject worksite.

31. The respective PIT will ensure that the [project manager – confirm who is responsible for OHS at the subproject sites] for the subproject sites supervises and monitors the adherence of workers to OHS provisions. This includes identifying hazards and the appropriate mitigation measures; investigating causes of workplace accidents in coordination with the PIT; inspect the workplace, including machinery and materials, to ensure the safety of workers.

Sexual exploitation and abuse and sexual harassment (SEA/SH)

32. Whilst labour influx is not expected, contractors will need to maintain labour relations with other workers and local communities through a Code of Conduct (CoC). The CoC will commit all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behaviour. The CoC will include sanctions for non-compliance, including non-compliance with specific measures in relation to SEA/SH. The CoC should be written in plain language and signed by each worker. A copy of the CoC will be displayed in a location easily accessible to the community. It shall be provided in Nepali. Workers will also receive awareness training on SEA/SH-related issues. The project's GRM will also include a channel to allow SEA/SH-related grievances to be received and addressed. SEA/SH related processes will be overseen by the social development specialist within the PMU day to day and monitored on the ground by the Environmental and Social officers within the PIT.

8. AGE OF EMPLOYMENT

33. No children under the age of 16 will be allowed to work on the project. If any contractor employs a person under the age of 16 years, that contractor's will not only be terminated but also be reported to the authorities for legal prosecution. Evidence such as birth certificate or citizenship, monitoring and inspection and other documents need to be produced to demonstrate the age and to confirm compliance with legal requirements.

9. TERMS AND CONDITIONS

34. As stated in Section 3 of this LMP, terms and conditions of employment are governed by the Labour Act 2017. This includes the non-discrimination and equal opportunity in the employment of workers. Terms and conditions of direct workers are set out in contracts in line with national legislation. Terms and conditions of contractors are determined by their contracts. Contractors will need to comply with national legislation such as in terms of wages, working hours and leave entitlements, such as a maximum of 48 hours per week, with up to 24 hours per week overtime.
35. As a core requirement, the contractor is required to ensure that all documentation related to environmental and social management including in relation labour management is available for inspection at any time. The contractual arrangements with each project worker must be clearly defined. The PIT will be responsible for ensuring appropriate messaging around COVID-19 mitigation and OHS measures are available for project workers.
36. The Labour Act 2017 has protected the right of labour to involve or affiliation to the trade union organization, and gives effect to collective bargaining.

10. GRIEVANCE MECHANISM (GM)

37. Based on national legislation and ESS2, the project GM as outlined in the Stakeholder Engagement Plan (SEP) will also be used for workers to submit workplace grievances. The grievance mechanism for workers will include transparent channels for submitting workplace grievances, explicit standards and deadlines to respond to grievances, effective institutional structures and processes to receive, address and resolve grievances. The procedure will allow workers to escalate grievances to a senior level if it not resolved at the LL, and also to give the worker the right to lodge a dispute with the PIT and then to the PMU/MoCIT.
38. Provisions related to SEA/SH and gender-based violence (GBV) are outlined in section 6 and 132 of the Labour Act 2017. All SEA/SH related complaints, with the survivor's consent, will be referenced to the project identified service provider who will further manage the case in a survivor centric approach and will report back to the project GBV GRM once the case is solved.

11. CONTRACTOR MANAGEMENT

39. The PMU and respective PIT will use the World Bank's 2018 Standard Procurement Documents for contracting, and these include labour and OHS requirements. The tendering process will require contractors to demonstrate E&S experience including OHS and labour management. Contractual provisions will include the following requirements:
 - Monitor and keep records on terms and conditions in relation to labour management, including specific aspects related to COVID-19
 - Ensuring there is a health and safety focal point responsible for OHS and COVID-19 related issues
 - Keep records regarding labor conditions and workers engaged under the project
 - Record safety incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, remedial and preventative activities (eg training, new or different equipment)
 - Report evidence that no child labour is involved
 - Training/induction dates, number of trainees and topics
 - Insurance for workers against occupational hazards and COVID-19, including ability to access medical care and take paid leave if they need to self-isolate as a result of contracting COVID-19

- Details of any worker grievances including occurrence date, grievance, date submitted, actions taken to date, resolution and follow up
- Signing CoC.

40. **Occupational Health and Safety:** All project workers will receive training on OHS as well as COVID-19 prevention, social distancing measures, hand hygiene, and relations with local community. The trainings will be facilitated by the World Bank, PMU and/or PIT as accordance with the training requirements. The PIT will undertake regular visits to sub-project worksites to ensure the subproject is in compliance with the LMP. OHS measures include ensuring workplace OHS standards in compliance with national law, ESS2 and this LMP as detailed in Section F above.

41. Monitoring the performance and management will be the responsibility of the PMU. PIT will be responsible for oversight of labour management provisions as well as contract supervision. The PIT ESS will monitor the compliance of the subproject with the LMP including management of worker-related grievances monitoring reports will be submitted regularly to the PMU, who will submit with other reports to the World Bank. Contractors will keep records in accordance with this LMP.