

## ENVIRONMENTAL AND SOCIAL REQUIREMENTS FOR CONTRACTORS

### 1. General Conditions of Contract

The contractor shall Implement all activities under this contract in compliance with the requirements of the World Bank Environmental & Social Framework and the applicable laws of South Sudan in line with the ECRP II Environmental and Social Management Framework (ESMF) together with associated specific Environmental and Social (ES) risk management tools that may have been developed by IOM. All contractors engaged on the project operate in a manner consistent with the requirements of the environmental and social standards (ESSs), including the specific requirements set out in the Environmental and Social Commitment Plan (ESCP). To achieve this, the contractor shall:

- a) Incorporate the requirements of ESMF and all other relevant E&S instruments in the bid document.
- b) Adopt the sub-project ESMPs and where necessary develop Construction Environmental and Social Management Plans (C-ESMPs) to help manage construction risks.
- c) Make sure that the C-ESMP should get approval from IOM prior to commencing the project.
- d) Implement, and review site specific contractor- Environmental and Social Management Plans (C-ESMPs) as required by the ESMF and specifically the Labor Management Procedures (LMP) including, OHS plans, labor recruitment plan, code of conducts (CoCs) for employees, waste management plan, emergency plan, protection of biodiversity, land clearing and erosion control, traffic management, noise and dust control, and labor influx, communicable diseases and others.
- e) Submit a recruitment plan containing number of staff required, intended working condition, Intended locations of staff and Job specifications in terms of qualification and experience to PMU/IOM for review and approval.
- f) Publishes the job invitation in the appropriate media (local press or direct invitation for contracted worker, or word of mouth through local leaders for community workers) to ensure all potential candidates have access to the information, including women and persons with disabilities,
- g) Employ qualified E&S personnel to oversee E&S performance, and that contractor staffing, and resources are commensurate with the magnitude and timing of work and potential E&S risks.
- h) Ensure all workers have signed a Code of Conduct (see annex 3 of ESMF).
- i) Prepare E&S training programs for workers and for communities if necessary.
- j) Ensure the employee are aware of E&S commitments and their responsibilities, which including key Job Specifications, terms and Conditions of Employment, special Codes of Conduct, disciplinary Procedures, workers' Grievance Mechanism, freedom to join and participate fully in workers association activities, key E&S aspects of the ECRP-II ESMF and other E&S instruments, and emergency Preparedness before work commencement.
- k) Adopt and implement the national, regional, and international best practices on Safety, Health, Environment and Social risk management.
- l) Ensure the provision of Safety, Health, Environment and Social risk information to employees, communities, and all relevant stakeholders.
- m) Focus on compliance with all applicable safety, health, environmental and Social Multilateral Agreements, policies, national laws, regulations, and Codes of practice applicable to the activities being implemented.

Ensure that substantial resources are allocated for the prevention of accidents, injuries, and fatalities in all areas of operation including the provision of a safe working environment for all.

- o) Promote of sustainable consumption and utilization of natural resources focusing on the prevention of environmental pollution, and environmental degradation.
- n) Report E&S performance timely (on at least a monthly basis throughout the construction phase, including mobilization, construction, and demobilization), including investigate and resolve all complaints, issues, incidents, accidents, and non-conformities.
- o) Participate regular weekly meeting with IOM to evaluate E&S performance-monitoring results and to improve its performance.
- p) Establish, maintain, and update relevant environmental and social risk management registers as required by IOM.
- q) Conform to the requirements and provisions of the World Bank Environmental and Social Framework (ESF) as read with the applicable Environmental, Health and Safety Guidelines (EHSG).
- r) Monitor and keep records on E&S performance in accordance with the E&S management plans. This may include monitoring of E&S matters, scheduled and unscheduled inspections to work locations, observations made during routine activities, desk reviews, drills, and any other monitoring protocols implemented by the contractor to ensure E&S compliance.

Failure to comply with the Environmental and Social Safeguarding requirements shall constitute a violation of contractual provisions and may lead to the cancellation of the contract. IOM may recover any unanticipated costs from any funds withheld in terms of the contract to remedy any environmental and social residual risks that shall be attributed to the contractor's activities. Generally, the contractors shall take corrective action(s) for major noncompliance, including to the LMP implementation. The following are some of the major noncompliance that contractors need to take note of:

- Failure to submit mandatory quarterly progress report.
- Failure to avail for inspection specified documentation pertaining to the implementation of the ESMP, C-ESMP and LMP.
- Failure to timely notify and submit incident and accident investigation report.
- Failure to appoint or replace a competent and experienced EHS officer.
- Failing to enforce C-ESMPs including provision of adequate appropriate PPE.
- Recruitment of nontechnical staff from outside the local community.

## **2. Specific Conditions of Contract**

### **2.1 Application National Policies and Laws**

The policy, legal and administrative framework provides guidance and provisions for the protection and conservation of the environment, employees and the communities. Contractors must comply with the Transitional Constitution of South Sudan (2011), the Environment Policy of South Sudan (2015-2025), The Draft Land Policy (2016), Forestry Policy (2019), the Land Act (2009), and the National Labour Act.

### **2.2 The World Bank Environmental and Social Framework (ESF) and relevant Environmental and Social Standards (ESSs).**

#### **2.2.1 ESS 1: Assessment and Management of Environmental and Social Risks and Impact**

In line with the management of environmental and social risks, the contractor shall:

- a) identify, evaluate, and manage the environment and social risks and impacts of the subproject in a manner consistent with the requirements of the World Bank ESF and relevant legislation of South Sudan.
- b) adopt a mitigation hierarchy approach to: (a) Anticipate and avoid risks and impacts; (b) Where avoidance is not possible, minimize or reduce risks and impacts to acceptable levels; (c) Once risks and impacts have been minimized or reduced, mitigate; and (d) Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible.
- c) adopt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable, and they are not disadvantaged in sharing development benefits and opportunities resulting from the subproject.
- d) Utilize national environmental and social institutions, systems, laws, regulations, and procedures in the assessment, development, and implementation of projects, whenever appropriate.

The contractor is required to take a risk-based approach when undertaking any activities under this contract. They are required to assess, manage, and monitor environmental and social risks and impacts associated with each stage of the sub-project implementation to achieve environmental and social outcomes consistent with the Environmental and Social Standards (ESSs) set out in the WB ESF and the relevant national legislation of South Sudan. The contractor is obliged to maintain documented information and records as evidence of maintaining a robust system for the management of ES risks. Such documents shall include but may not be limited to:

- ECRP/ESS-P003 *Contractor Management Plan (CMP)*
- ECRP/ESS-P004 *Waste Management Plan*
- ECRP/ESS-P005 *Site emergency and response plan*
- ECRP/ESS-P006 *Emergency phone numbers*
- ECRP/ESS-RPT03 *Daily Safety Talks*
- ECRP/ESS-PR01 *Accident & Incident Reporting procedure*
- ECRP/ESS-PR02 *Accident & Incident Investigation procedure*

## 2.2.2 ESS 2: Labor and Working Conditions

For all works to be undertaken by the contractor and/or their sub-contractors including any other third parties, the following labour and working conditions shall apply:

- a) Promotion of safe and healthy working environment at all ECRP II subproject contractor managed sites including all contractor workstations and offices.
- b) Promotion of fair treatment, non-discrimination, and equal opportunity for all workers.
- c) Protection of workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with the requirements of IOM, World Bank and the Government of South Sudan<sup>1</sup>) and migrant workers, contracted workers, community workers, and primary supply workers, as appropriate.
- d) Prevention of the use of all forms of forced labor and child labor.

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<sup>1</sup> The more stringent requirement shall apply.



- e) Supporting the principles of freedom of association and collective bargaining of workers in a manner consistent with the Laws of South Sudan.
- a) Provide workers with accessible means to raise workplace concerns, issues, and grievances and fully aware of and be ready to implement the Workers' Grievance Redress Mechanism.

Furthermore, for managing the OHS issues, the contractor shall:

1. Develop and maintain an OHS management system that is consistent with the scope of work, duration of contract and IFC General Environmental Health and Safety Guidelines (EHSGs) on Occupational Health and Safety.
2. Appoint an appropriately qualified and experienced OHS/Environmental Officer whose responsibilities is to advise the employer on an OHS related issues.
3. Prepare task specific risk assessment (TRA) and safe working procedures (SWP) for executing works.
4. Provide preventive and protective measures, including modification, substitution or elimination of hazardous conditions or substances informed by TRA and SWP.
5. Provides for appropriate training/induction of project workers and maintenance of training records on occupational health and safety subjects including TRA and SWP.
6. Documents and reports on occupational accidents, diseases and incidents.
7. Provides emergency prevention and preparedness and response arrangements to emergency situations including and not limited to: workplace accidents; workplace illnesses; flooding; fire outbreak; disease outbreak; labor unrest and security.
8. Comply with all requirements of applicable occupational Health and Safety legislation and Environmental legislation including WB EHS guidelines.
9. Maintain all such records for activities related to the safety health and environmental management for inspection by the PMU or the World Bank.
10. Verification of the soundness of the contractor's implementation of the requirements of the LMP by IOM.
11. Provide a fully equipped first aid kit.
12. Mainstream HIV issues in the workplace by providing HIV prevention training during induction and continuously during employment through health and safety talks.
13. Appoint an appropriately qualified and experienced OHS/ Environmental Officer whose responsibilities is to advise the employer on an OHS related issues.

The contractor should recognize the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. They should promote sound worker-management relationships and enhance the development benefits of a sub project by treating workers in the project fairly and providing safe and healthy working conditions. The contractor is obliged to maintain documented information and records as evidence of maintaining a sound OHS system:

- ECRP/ESS-R003 *HSSE Training and Induction register*
- ECRP/ESS-R004 *GRM Register*
- ECRP/ESS-R006 *Accident, Incident, near misses Register.*
- ECRP/ESS-R007 *Meeting Attendance Register*
- ECRP/ESS-R011 *Emergency drill and simulation register*
- ECRP/ESS-F001 *Accident, Incident, Near misses Report Form*
- ECRP/ESS-F002 *Pre-Task Risk Assessment Form*



- ECRP/ESS-PTW001 *Working at Heights permit.*
- ECRP/ESS-PTW002 *Working in confined spaces permit.*
- ECRP/ESS-PTW003 *Excavation permit*
- ECRP/ESS-PTW004 *Lifting permit.*
- ECRP/ESS-PTW005 *Hot works permit*
- ECRP/ESS-G004 *Occupational Safety and Health Guidelines*

### 2.2.3 ESS3: Resource Efficiency and Pollution Prevention and Management

The contractor shall:

- a) promote the sustainable use of resources, including energy, water, and raw materials.
- b) avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from subproject activities.
- c) avoid or minimize subproject-related emissions of short and long-lived climate pollutants.
- d) avoid or minimize generation of hazardous and non-hazardous waste.
- e) minimize and manage the risk and impacts associated with pesticide use.

The contractor should recognize that sub-project activities often generate pollution of air, water, and land, and consume finite resources that may threaten people, ecosystem services and the environment. Thus, they are required to address resource efficiency and pollution prevention and management throughout the sub-project life cycle. The contractor is obliged to maintain a system and keep documented information and records as evidence. Such records shall include:

- ECRP/ESS-R001 *Licenses, Permits and Authorizations Register*
- ECRP/ESS-P006 *Site rehabilitation Plans (these shall include areas for the abstraction of pits and, river sand, quarry sites and any materials that shall be required for the implementation of subproject sites)*
- ECRP/ESS-R014 *Materials abstraction register*

### 2.2.4 ESS 4: Community Health and Safety

The contractor shall:

- a) anticipate and avoid adverse impacts on the health and safety of subproject-affected communities during the project life cycle from both routine and non-routine circumstances.
- b) avoid or minimize community exposure to subproject-related traffic and road safety risks, diseases, and hazardous materials.
- c) have in place effective measures to address emergency events.
- d) ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the project-affected communities.
- e) Contractor shall ensure that all non-technical work is reserved for locals (identifiable with the host community and witnessed by host community leadership).
- f) Beneficiary selection and employment recruitment should verify the authenticity of the localness of potential employees.
- g) Contractor liaises with local leadership on enrolment for community workers while at the same time ensuring that no grievances derive from nepotism via utmost transparency in the selection process, announcing hiring campaigns early enough in community consultations and/or other outreach activities.



- h) Where there are camp establishments, contractor shall ensure camp management and community relations are good. If labor camps are required, special management plans need to be developed, or if smaller establishment, camp management reflected in the ESMP.
- Security within camp
  - Social relations with community members should be cordial and consistent with GBV and SEA
  - Waste management
  - Water and sanitation
  - Proper camp demobilization
- i) Establish code of conduct for contract workers interaction with the host community. This may include:
- Access to camp by children, non-employed girls and women
  - Appropriate language
  - Time restrictions where required
  - GBV/SEA
- j) Good conduct if small numbers of workers are accommodated in communities rather than camps (requirements on when to establish a camp shall be included in the POM)
- k) Contractor shall ensure that local supply shall not negatively impact the availability of resources for the local communities and sourcing of local wildlife shall be prohibited.

Sub-projects are implemented within communities and contractors should address the health, safety, and security risks and impacts on project-affected communities. Focus should be put on avoiding or minimizing such risks and impacts, with particular attention to people who, because of their circumstances, may be vulnerable. The contractor shall maintain clear records of stakeholder engagement and shall erect safety signage and/or barricades to alert communities of perceived risks. *ECRP/ESS-R002 Stakeholder engagement minutes shall be kept at site offices as a record of engagement of communities regarding community safety and health.*

## 2.2.5 ESS 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement

The contractor shall:

- a) avoid an activity that may lead to involuntary resettlement.
- b) shall ensure that the subproject implemented has land donation forms and land has been voluntarily given for the purposes of the subproject.

The contractor is obliged to maintain a system that documents information and records all land issues as evidence: The following documents shall be kept:

- *ECRP/ESS-F005 Land donation forms*
- *ECRP/ESS-R002 Stakeholder engagement minutes*

## 2.2.6 ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources

Protecting and conserving biodiversity and sustainably managing living natural resources are fundamental to sustainable development. Thus, the contractor should strive to recognize the importance of maintaining core ecological functions of habitat within their area of operation. They should also ensure sustainable management of primary production and harvesting of living natural resources and recognizes the need to consider the livelihood of project-affected parties, including Indigenous Peoples, whose access to, or use of,

biodiversity or living natural resources may be affected by a sub-project. The contractor is obliged to establish and maintain documented information and records as evidence as follows:

- *ECRP/ESS-R001 Licenses, Permits and Authorizations Register*
- *ECRP/ESS-P006 Site rehabilitation Plans (these shall include areas for the abstraction of pits and, river sand, quarry sites and any materials that shall be required for the implementation of subproject sites)*
- *ECRP/ESS-R014 Materials abstraction register (The register should capture the quantity of materials used for each subproject site and this includes Pit sand, River sand and Water)*
- *Preservation of nationally protected and/or globally threatened species*

### **2.2.7 ESS 7 - Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities.**

This ESS applies to distinct social and cultural groups.

- a) To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities.
- b) To avoid adverse impacts of projects on Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts.
- c) To promote sustainable development benefits and opportunities for Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities in a manner that is accessible, culturally appropriate and inclusive.
- d) Enhance opportunities for Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities to participate in, and benefit from, the development process in ways that do not threaten their unique cultural identities and well-being. The contractor is obliged to keep the following records:
  - *ECRP/ESS-P002 Stakeholder Engagement Plan (SEP)*
  - *ECRP/ESS-PR05 Grievance Redress Mechanism (GRM) Procedure*

### **2.2.8 ESS 8: Cultural Heritage**

The contractor shall:

- a) protect cultural heritage from the adverse impacts of subproject activities and support its preservation.
- b) address cultural heritage as an integral aspect of sustainable development.
- c) promote meaningful consultation with all relevant stakeholders regarding cultural heritage.

Cultural heritage provides continuity in tangible and intangible forms between the past, present, and future. The contractor should adopt measures designed to protect cultural heritage throughout the sub-project activities. The contractor is obliged to keep the following records:

- *ECRP/ESS-R002 Stakeholder engagement minutes*
- *ECRP/ESS-PR04 Chance finds Procedure*
- *ECRP/ESS-PR05 Grievance Redress Mechanism (GRM) Procedure*



## 2.2.9 ESS 10: Stakeholder Engagement and Information Disclosure

The contractor shall:

- a) Establish a systematic approach to stakeholder engagement that will identify stakeholders and build and maintain a constructive relationship with them.
- b) Assess the level of stakeholder interest and support for the subproject and enable stakeholders' views to be considered in subproject design and environmental and social performance.
- c) Promote and provide means for effective and inclusive engagement with subproject-affected parties throughout the subproject life cycle on issues that could potentially affect them.
- d) Ensure that appropriate subproject information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible, and appropriate manner and format.
- e) Provide subproject-affected parties with accessible and inclusive means to raise issues and grievances and allow IOM to respond to and manage such grievances.

The contractor should ensure open and transparent engagement of project stakeholders. Effective stakeholder engagement is envisaged as a tool to improve the environmental and social sustainability of sub-projects, enhance sub-project acceptance, and make a significant contribution to successful sub-project design and implementation. The contractor is obliged keep the following records:

- *ECRP/ESS-R002*      *Stakeholder engagement minutes*
- *ECRP/ESS-P002*      *Stakeholder Engagement Plan (SEP)*