

Annex 7: Procedures for Managing Contractors

Bidders receive key documentation outlining the requirements of the ESMF and relevant ESMPs, as well as UNOPS Health & Safety requirements (see UNOPS Health & Safety Management Plan). The selected contractor shall comply with all UNOPS Social & Environmental as well as Health & Safety requirements for the duration of the contract, including the provisions outlined in the Project ESMF. These requirements equally apply to sub-contractors. It is the contractor's responsibility to ensure that subcontractors comply and to demonstrate such compliance in submittals and during verification processes by UNOPS. In cases where contractors do not have the capacity and experience to implement all E&S tools, UNOPS and IOM will provide continuous guidance and support.

If pre-bid meetings, site visits and / or contract commencement meetings are carried out, the Social & Environmental and Health & Safety requirements and submittals should be discussed, both for day-to-day work and for Social and Environmentally critical stages or activities.

In the event that security personnel are used for the sub-projects, the contractor shall develop and implement measures and actions to assess and manage the risks to human security of project-affected communities and project workers that could arise from the use of security personnel, including compliance with provisions outlined in the Security Management Plan.

- ☐ ESHS Codes of conduct are required of contractors and subcontractors and their workers
- ☐ Preparation of a detailed contractor ESMP (C-ESMP) that is costed, with sufficient budget to mitigate E&S risks
- ☐ Monitor contractor C-ESMP's commitment and compliance
- ☐ Ensure contractors provide details on contractor's oversight on environmental, social, health and safety (ESHS) performance
- ☐ Contractor to develop a grievance mechanism to handle the concerns of their employees and project host communities
- ☐ Contractor shall prepare a Labor Management Plan (LMP).

Annex 8: Labor Management Procedures

The World Bank's Environmental and Social Standard 2 (ESS2) - Labor and Working Conditions and ESS4 - Community Safety and Health were identified as applicable for the project. In accordance with the requirements of ESS2, UNOPS developed Labor Management Procedures (LMP). The purpose of the LMP is to set out the ways in which UNOPS and IOM will manage project workers in relation to the associated risks and impacts. The objectives of the LMP are to:

- (a) Identify the different types of project workers that are likely to be involved in the project
- (b) Identify, analyze and evaluate the labor related risks and impacts for project activities
- (c) Set out procedures to meet the requirements of ESS2, ESS4 and applicable national legislation.

The LMP will be applied with due consideration to the requirements of national laws, the interrelatedness of ESS2 with other Environmental and Social Standards in general and ESS4 in particular.

The LMP will be administered to different types of project workers as follows:

- (a) **Direct Workers.** People employed directly by UNOPS to work specifically in relation to the project in the PMU at the Head Office in Juba, as well as in other sites where UNOPS will establish offices. The category will also include field personnel directly contracted by UNOPS and based at various project sites within the states/counties.
- (b) **Contracted Workers.** People engaged through third parties to perform work related to core functions of the project, regardless of location. Under this category are included employees of IOM as well as all other implementing partners (including NGOs) that UNOPS and IOM contract to implement project activities.
- (c) **Primary Supply Workers.** People engaged by UNOPS' primary suppliers. These include, for example, suppliers of road rehabilitation materials like gravel or other goods required.
- (d) **Community Workers.** People employed or engaged in providing community-based project interventions. These will include community members who will be working in minor road or other infrastructure works.

The LMP will apply to project workers including fulltime, part-time, temporary and seasonal. The project scope does not have chances of employing migrant workers.

Labor Forecast / Types of Activities

ECRP has four components, some of which will be implemented directly by UNOPS while other components will be contracted to IOM.

Component 1: Local Service Delivery will support the construction and rehabilitation of socio-economic community infrastructure in selected areas, such as water supply and sanitation, community roads, health facilities, education facilities and other activities.

The component will be implemented by UNOPS and activities will be contracted to IOM, both of which are likely to sub contract some of the activities to contractors and NGOs. Under this component, direct workers, contracted workers, primary supply workers and community workers may be deployed to fulfill different types of activities, including skilled labor for construction work as well as light labor contributions

to construction.

Some of the inputs may be of the hazardous classification and require Occupational Health and Safety consideration for both the suppliers and the users.

Component 2: Local Institution Strengthening will finance activities related to: (i) community mobilization and participatory planning, including local conflict mapping and mitigation training; (ii) support for community institutions on infrastructure construction/rehabilitation/monitoring and local conflict mitigation; and (iii) diagnostic of the functionality of, and technical assistance for county governments.

This component will be implemented directly by UNOPS and IOM and will require direct workers deployed under UNOPS in UNOPS' offices, as well as contracted workers under IOM and contractors. This includes specialized agencies aiding in the adjustment of the community mobilization approach or providing technical assistance to the government.

Component 3: Project Management and Learning will support: (i) project management including technical planning, financial management, procurement, social and environment risk management and communications; (ii) project monitoring which includes geo-enabled monitoring system, social audit, and beneficiary feedback/grievance redress mechanism; (iii) continuous data collection on beneficiary impacts and local conflict dynamics; and (iv) just-in-time studies as and when needs arise. Such studies may include operation and maintenance (O&M) study, technical assessment of the subprojects, gender-based violence (GBV) assessment etc.

This component mostly consists of direct workers employed by UNOPS who will be working in the PMU, in order to perform specialist and research tasks, as well as technical advisory activities.

Component 4: Contingency Emergency Response. Given the recent declaration of a state of emergency on flooding, the government agreed that it would be useful to have this component in the project.

The labor requirements of the ECRP show that the LMP will have to cater for all four categories of project workers as described in ESS2, namely direct workers, contracted workers, primary supply workers and community workers.

Labor Risk Assessment

As part of the labor risks and impacts identification, the following activities will assist in understanding the exposure pathways. However, it has to be pointed out that since an open menu approach will be deployed in communities for the selection of subprojects, presented here are only key risks related to workers of predictable activities:

- (a) The main activities for community workers will be light works construction and rehabilitation of water supply, sanitation facilities, community roads, health facilities, and educational facilities.
- (b) The main types of activities for contracted workers will be activities in the construction and rehabilitation of water supply, sanitation facilities, community roads, health facilities, and educational facilities - including more complicated civil works (heavy equipment).

The table highlights and analyses the potential labor related risks and impacts in view of the anticipated labor utilization and general baseline settings of the project area.

Table: Labor Risk Identification and Analysis

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
ESS2: Labor and working conditions		
Labor standards are not in accordance to national laws and international standards	There are some gaps between South Sudanese labor laws and international standards / ESS 2 (for example in regards to child labor, see below. See annex 9 for legal and policy review and legal gap analysis).	Through the implementation of this LMP the gaps are addressed
Underpayment of contracted workers or supply workers	Since South Sudan has no statutory minimum wage, there is a risk that local contractors and sub-contractors underpay the contracted or supply workers.	The project will decide on a minimum wage (categorized by type of task, and based on comparable projects implemented by international organizations) and implement it throughout the project / cascade it down to contractors
Labor disputes over contracts	Given the generally high conflict potential, it is possible that disputes over contracts emerge	The Project will provide workers' GRM
Deployment of immigrant/migrant workers without required permits	Significant amounts of unskilled jobs are filled by immigrant workers. These require work permits, which can be subject to lengthy processes. The risk therefore exists that local contractors contract migrant workers without appropriate permits in country.	The project will prioritize workers hired locally to strengthen local ownership and benefits, and, where that is not possible, ensure that workers from abroad have the appropriate permits.
Poor working conditions: Unsafe work environment	Due to the protracted conflict in South Sudan and the weakness of formal justice institutions, employees' working conditions are poor and the project needs to ensure that such working conditions are not accepted. The impact is significant in that it may manifest in exploitation of the very community that the project intends to benefit, community workers, but also contracted workers may be affected.	Supervision of Contractor Labor Management Practices is essential to mitigate against this risk. A contractor checklist in appendix C will be used.
Poor working conditions: lack of workers' rights	Labor laws in South Sudan have been criticized for their lack of enforcement. This is not surprising given that the formal justice sector is generally extremely weak.	The project therefore needs to ensure, through rigorous workers' grievance mechanisms, that workers can articulate violations of their rights and receive redress.
Discrimination against women in employment	In most rural communities in South Sudan, women typically carry out household work owing to the general perception that men go to formal work while women and girls assume household duties. If there is no deliberate effort by the project to encourage the local women to thrive in contracted work or community work the risk of missing them as beneficiaries of potential employment is substantial. There is also a high incidence of sexual harassment of female workers by other workers, and discrimination in recruitment and employment of women generally.	Contractors are compelled to safeguard the interests of women, including gender parity at the workspace, prohibiting sexual harassment and other forms of GBV toward female workers by other project workers, appropriate sanitation facilities at workplace, and appropriate PPE for women.
Use of child labour	The general minimum age for work is 14 (which is in accordance with ILO standards on minimum age where a country's economy and educational facilities are insufficiently developed). <u>Children between the ages 14 and 18 to</u>	The minimum age of eighteen will be enforced in recruitment and in daily staff team talks by contractors.

	<u>engage in the worst forms of child labor, violating international standards.</u> Compulsory education age (13) is inconsistent with minimum age for work (14).	UNOPS will also supervise this through the Contractor Management Checklist.
Worst forms of child labour	The Labor Act lacks clarity on prohibitions on the worst forms of child labor. Article 12(2) allows children between the ages 14 and 18 to engage in the worst forms of child labor, violating international standards. In practice, children in South Sudan engage in armed conflict and in cattle herding. The national army continues to recruit, sometimes forcibly, children to fight opposition groups. Children are further engaged in other worst forms of child labor, including in commercial sexual exploitation. Perpetrators have not been brought to justice. Furthermore, hazardous work falls under the worst form of child labor.	The project will not recruit any workers for hazardous work and will enforce the minimum age of 18 for all workers.
Forced Labour	Forced labor takes place in South Sudan, for example in regards to recruitment into the national army. There is hence a risk that forced labor will be deployed under the project, for example in the form of community workers by local governments.	Contractors' obligations will be spelled out in their respective contracts and the PMU will monitor full compliance
Injuries at the workplace	Given that PPE may be scarce for contracted workers or community workers, and health and safety regulations may not exist or not be enforced.	Contractor occupational risk assessments and mitigation plans will be devised and implemented.
ESS4: Community Safety and Health		
Labour influx and GBV	There is likely to be internal movement of people from areas outside the project areas to seek employment and associated benefits from within targeted communities. Furthermore, contracted workers may be brought into communities to conduct construction works. Population movement due to labor influx may result in GBV/SEA cases.	UNOPS and all contractors will implement the Labour Influx Management Procedure (see below); a GBV/SEA Action Plan will be implemented (see annex 6)
Spread of diseases in communities, including HIV through labor influx	Population movement due to labor influx may result in the spread of HIV and other diseases.	UNOPS and all contractors will implement the Labor Influx Management Procedure (see below), including sensitization on preventing common diseases. Communication of risks will be conducted through locally appropriate means – targeting specific social groups and genders.
Contamination of drinking water supplies, ambient air quality and general nuisance from septic tanks and pit latrines.	The siting and operation of the latrines may create the potential for contamination of the water supply, ambient air and create diseases vectors.	Location of such facilities should be downstream or a minimum of 30 meters from water sources. The direction of wind will be considered and the facilities will be kept clean and hand washing will be observed.

Institutional Arrangement for Implementation of LMP

Given the categories of project workers (direct workers, contracted workers, primary supply workers and community workers), this section lays out the operational arrangements amongst the various institutions that are collaborating with the ECRP and ensure the smooth implementation of the LMP. The requirements of the LMP apply to all categories of Project Workers and where there is a special emphasis for a particular category of workers, this will be highlighted within the applicable section of the LMP.

Direct Workers are those workers employed under UNOPS specifically for the ECRP. The requirements of the LMP as applicable to the direct workers will be under the responsibilities of UNOPS through the PMU. The PMU will however have an oversight role on UNOPS and IOM through direct reporting arrangement on the requirements of the LMP in particular and other ESMF requirements in general.

Contracted workers are those who will be employed by IOM and be engaged by either UNOPS or by IOM to execute the project activities on the ground. It is important to note that since UNOPS is the Project Implementer through the PMU, UNOPS and IOM have a client-contractor relationship with the PMU and where the LMP refers to contractor responsibilities, it also refers to IOM. This is in addition to lower level contractors that UNOPS and IOM may engage. UNOPS and IOM therefore have the responsibility to ensure LMP implementation at the interface with their respective contractors while the PMU oversees the LMP implementation at all levels.

UNOPS and IOM may engage community workers directly in rehabilitation or construction activities. They are therefore responsible for the full implementation of the requirements of the LMP as it applies to community workers in relation to ESS2, while UNOPS through the PMU will exercise oversight over labor management processes. It has been established that IOM already has some community labor and relations management systems in place and will integrate these existing structures and systems with the LMP to fully comply with the requirements of ESS2 and ESS4 in general and the community workers procedure in particular. UNOPS and IOM will ensure observance of the LMP.

The Primary Suppliers are identified at the subproject level by UNOPS or IOM or directly during subproject screening and the applicability of the LMP will be affirmed at that time. UNOPS or IOM has the mandate to ensure that all the procedures for primary supply workers are observed, though the PMU will have the overall responsibility. ESS2 applies a proportionality approach to oversight responsibility towards suppliers. That being said it is important that the project ensures minimum conditions in cases like quarries, or camp service suppliers, or any activities ongoing within construction sites.

The approach to the implementation of this LMP is that all the provisions of the LMP are applied to all project workers and where special mention for a particular category of project worker is required, it will be mentioned.

Key Procedures

The ECRP is guided by the recognition of the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. The ECRP will promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.

Key Procedures Rationale

UNOPS, IOM and contractors and all project workers will follow up in ensuring the full accomplishment of the objectives of ESS2 and ESS4 in specific. During the gap assessment, there are some aspects that are completely covered through legislation while aspects not completely covered by legislation will be satisfied through reference to the World Bank's sector specific guidelines on good practices on occupational safety and health.

Recruitment and Replacement Procedure

Procedure Objective

The objective of this procedure is to ensure that the recruitment process and placement of project workers is conducted in a manner which is non-discriminatory and employees are inducted to all essential work-related matters.

Procedure

1. Contractors submit a recruitment plan to the PMU for review and approval. The following details will be shown:
 - i. Number of staff required
 - ii. Intended working condition as in appendix B
 - iii. Intended locations of staff
 - iv. Job specifications in terms of qualification and experience
2. Contractor 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, actively addressing risks of nepotism, or other forms of recruitment or employment discrimination.
3. Shortlist and recruit candidates ensuring the following;
 - i. As far as possible, 50% shortlisted candidates are women.
 - ii. As far as possible, 50% engaged employees are women.
 - iii. Screen off candidates under the age of eighteen years.
4. On recruitment, ensure a contract of employment is signed voluntarily, with all details listed in appendix B, for both contracted workers and community workers.
5. For community workers, contractors will have the terms and conditions discussed, explained, negotiated and documented through joint community meetings, with each community employee showing consent by appending their signature against the resolutions or signing the attendance register of the meeting which made the employment resolutions.
6. Before commencement of work, the contractor will ensure the employee is inducted on the essential work related issues as listed in appendix B, which include the following;
 - i. Key Job Specifications
 - ii. Terms and Conditions of Employment
 - iii. Special Codes of Conduct
 - iv. Disciplinary Procedures
 - v. Workers' Grievance Mechanism

- vi. Freedom to join and participate fully in Workers Association activities, Employment Council or Trade Union
 - vii. Key Environmental and Social aspects of the ECRP and the ESMF
 - viii. Emergency Preparedness
7. Maintain all such employment records available for review by the PMU, the World Bank, or Regulatory Authority.

Workers' Grievance Redress Procedure

a. Objectives of the procedure

The objective of this procedure is to settle the grievance between an employer and employee or between employees bilaterally before recourse to formal dispute resolution. Under the provisions of ESS2, the project will provide a grievance mechanism for all direct and contracted workers to raise workplace concerns. Workers will be informed of this grievance mechanism at the time of recruitment and the measures put in place to protect them from any reprisal for its use. The project will put in place measures to make the worker grievance mechanism easily accessible to all project workers.

b. Procedure

1. UNOPS and IOM engage only contractors with registered code of conduct or who sign an undertaking to comply with the provisions of the South Sudan Labor Act from 2017 for contracted workers and contractors who will comply with community meetings resolutions on applicable rules in the case of community workers.
2. Contractors induct the employee on the applicable workers' grievance redress mechanism. Induct all project workers to be aware of their rights. All records of induction shall be kept and made available to UNOPS or The World Bank.
3. In case of violation, the aggrieved employee must capture and present the details of the grievance to the person they report to or the supervisor's superior in case of conflict of interest.
4. The supervisor will verify the details and seek to address the matter within the shortest time (up to 48 hours).
5. The supervisor will escalate the matter if not resolved within 48 hours if a resolution is not found.
6. Where no resolution is found, the employee can escalate the matter to the sector specific institutions or courts who will resolve the matter between employer and employee, except in cases where the employer is a UN System agency in which case see paragraph 7 below. The Supreme Court's decision is final, where it has exercised lawful jurisdiction.
7. Where the formal courts are not accessible, do not exist in an area, or cannot render a judgment, the matter shall be reported to and handled under the PMU, for example through the **Project Grievance Redress Mechanism (GRM). The PMU, in this case, will accommodate a fair agreement between the worker and the contractor.**
8. The contractor shall keep records of all proceedings of grievance redress that are within their jurisdiction and furnish UNOPS and IOM as part of the periodic progress reporting to UNOPS or IOM.
9. All grievances of sexual nature (GBV/sexual harassment/Sexual Exploitation and Abuse) should follow the ECRP GBV/SEA Action Plan referral pathways and complaints resolution mechanism.

10. In case of risk of retaliation , the employee may immediately escalate to the court system [6], except in cases where the employer is a UN System agency, or to the PMU as noted under [7]. If confidentiality is requested, the PMU will ensure it to avoid any risk of retaliation , including in its follow-up actions.
11. Community workers apply the Project GRM.

Occupational Health and Safety Procedures

a. Objective of procedure

The objective of the procedure is to achieve and maintain a healthy and safe work environment for all project workers (contracted workers and community workers) and the host community.

b. Procedure

1. On procurement for contractors, UNOPS and IOM avail the ESMF to prospective bidders so that contractors include the budgetary requirements for occupational health and safety and community health and safety measures in their respective bids.
2. The contractors will develop and maintain an occupational health and safety 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.
3. Contractors will adopt the sub-project ESMPs and where necessary develop Construction Environmental and Social Management Plans (C-ESMPs) to help manage construction risks.
4. Contractors appoint an appropriately qualified and experienced Safety Health and Environmental Officer whose responsibilities is to advise the employer on an SHE related issues.
5. Contractors prepare task specific risk assessment (TRA) and safe working procedures (SWP) for executing works;
6. Contractor provides preventive and protective measures, including modification, substitution or elimination of hazardous conditions or substances informed by TRA and SWP.
7. Contractor provides for appropriate training/induction of project workers and maintenance of training records on occupational health and safety subjects including TRA and SWP.
8. Contractor documents and reports on occupational accidents, diseases and incidents.
9. Contractor 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
10. Contractors to comply with all requirements of applicable occupational Health and Safety legislation and Environmental legislation including WB EHS guidelines.
11. Contractors shall maintain all such records for activities related to the safety health and environmental management for inspection by the PMU or The World Bank.

Contractor Management Procedures

a. Objective of procedure

The objective of this procedure is to ensure that UNOPS and IOM have contractual power to administer oversight and action against contractor noncompliance with the LMP.

b. Procedure

- i. UNOPS and IOM shall avail all related documentation to inform the contractor about their requirements for effective implementation of the LMP.
- ii. Before submitting a bidding for any contracted work, the contractor shall incorporate the requirements of ESMF and the LMP as listed in appendix C.
- iii. Contractor to formulate, implement and review contractor specific Management Plans (C-ESMPs) as required by the ESMF and specifically the LMP including:
 - Occupational health and safety plans
 - Labor Recruitment Plan
 - Code of conduct for employees
 - Waste management plan
 - Emergency plan
- iv. Contractor to submit as required by UNOPS or IP, the progress reports on the implementation of the LMP and allow UNOPS or the IP access to verify the soundness of the contractor's implementation of the requirements of the LMP.
- v. Where appropriate, UNOPS or the respective IP may withhold contractor's payment until corrective action(s) is/are implemented on major noncompliance to the LMP. The following are some of the major noncompliance that contractors need to take note of (Comprehensive list is in appendix C);
 - 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.

Labor Influx Procedure

a. Objective of the procedure

The objective of this procedure is to capacitate UNOPS and IOM and all contractors to mitigate the labor influx risk and impacts. The influx of workers and followers can lead to adverse social and environmental impacts on local communities, especially if the communities are rural, remote or small. Such adverse impacts may include increased demand and competition for local social and health services, as well as for goods and services, which can lead to price hikes and crowding out of local consumers, increased volume of traffic and higher risk of accidents, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behavior and crime, including GBV cases.

b. Procedure

- i. Contractor shall ensure that all non-technical work is reserved for locals (identifiable with the host community and witnessed by host community leadership).

- ii. Beneficiary selection and employment recruitment should verify the authenticity of the localness of potential employees.
- iii. 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.
- iv. 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
- v. 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
 - 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)
- vi. Contractors should have own supply of, pay for accommodation offered by community to contracted employees.
- vii. 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.
- viii. Contractor shall provide a fully equipped first aid kit.
- ix. Contractors to mainstream HIV issues in the workplace by providing HIV prevention training during induction and continuously during employment through health and safety talks.
- x. Contractor to be fully aware of and be ready to implement the Workers' Grievance Redress Mechanism since they are the face of UNOPS and IOM on the ground.

Procedure for Primary Suppliers

Primary supply workers are employees of suppliers who, on an ongoing basis, provide goods and services to the project. UNOPS has oversight of the implementation of the LMP requirements in this category.

Objective of the procedure

The objective of the procedure is to ensure that labor-related risks to the project from primary supply workers are managed in line with the requirements of ESS2.

Procedure

UNOPS, PMU and IOM will undertake the following measures:

- i. Procure supplies from legally constituted suppliers. The legal registration ensures that the company is legally obliged to comply with all applicable labor laws in South Sudan including the Labor Act, which

makes it possible to assume mainstreaming of the labor laws within the supplier's firm. This will include ensure evidence of

- Certificate of incorporation
- Tax Clearance
- Value Added Tax certificate
- Registration of supplier with regulatory body for the goods or services where required

ii. Make a physical check on the supplier's labor management system, including parameters in appendix C where applicable, including

- employee contracts
- occupational safety and health
- any past work-related environmental or occupational incidents
- workers committee in place

iii. Check products quality certification and environmental rating where required

iv. Undertaking to take back waste for reuse, for example containers and packaging where applicable

v. Possibility of training in safe use of product by community users where applicable

Procedure for Community Workers

The activities in components 1 will include the use of community workers in a number of circumstances, such as labor provided by the community in construction or rehabilitation activities. In these scenarios of community workers, the related occupational risks are perceived as low since they will be using simple tools and perform light work. Given the nature and objectives of such a project, the application of all requirements of ESS2 may not always be applicable. In all such circumstances, this procedure provides measures to be implemented to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement and if the employment terms and conditions have been fully discussed and agreed.

Objective of procedure

The objective of this procedure is to ensure the community workers offer their labor voluntarily and are agreeable to the terms and conditions of employment.

Procedure

UNOPS and IOM will apply the following guidelines when dealing with community workers. UNOPS and IOM will develop standard TOR, working times, remuneration systems (depending on the type of work), methods of payment, timing of payment, and community CoC which will apply to all project activities. These will be developed during the project inception phase.

i. Produce a recruitment plan and have it reviewed and approved by PMU

ii. Meet and document resolution of meeting with the community on the intended community workers recruitment. The resolution shall include details on

- Nature of work
- Working times
- Age restrictions (18 and above, and below UNOPS retirement age, verification will be based on ID documentation, and where not available through Affidavits from the boma or payam chief)
- Remuneration amount
- Method of payment
- Timing of payment
- Individual signatory or representative signatory of meeting resolution
- Employment is voluntary

- Community CoC
- iii. Induct community workers on key LMP issues, including
- GBV and SEA
 - Workers' and Project GRM
 - Occupational Safety and Health
 - HIV awareness
 - Safe use of equipment and lifting techniques
 - Applicable PPE

Terms and Conditions of Project Workers

The specific Terms and Conditions for the different categories of project workers and different types of activities will be defined in the inception phase of the project, they will draw on currently applied terms and conditions by UNOPS and IOM.

Workers' Grievance Redress Mechanism

The objective of the Workers' Grievance Redress Mechanism (Workers' GRM) is to settle the grievance between an employer and employee or between employees bilaterally before resorting to formal dispute resolution, except in cases where the grievance constitutes a criminal offense that requires notifying law enforcement. The Workers' GRM are in accordance with the provisions of ESS2, and apply to all direct and contracted workers.

Community workers apply the Project GRM.

Assess and Clarify. Workers will be informed of this grievance mechanism at the time of recruitment and the measures put in place to protect them from any reprisal for its use. Contractors induct the employee on the applicable workers' grievance redress mechanism. Induct all project workers to be aware of their rights. All records of induction shall be kept and made available for inspection by UNOPS or The World Bank. Workers will further receive easily accessible information on the contractual details, as well as CoCs included. They can further request clarifications on any contractual issues from the employer at any time during the deployment. The provided information will allow the worker to assess whether her or his concern is valid and should be taken up with the employer.

UNOPS and IOM contract only contractors with registered code of conduct or who sign an undertaking to comply with the provisions of the Labor Act for contracted workers and contractors who will comply with community meetings resolutions on applicable rules in the case of community workers.

Intake, Acknowledge and Follow-Up. In case of a perceived violation, the aggrieved employee must capture and present the details of the grievance to the person they report to or the supervisor's superior in case of conflict of interest. The supervisor or the supervisor's superior will acknowledge the reception of the reported grievance to the employee.

In case of risk of retaliation , the employee may immediately escalate to the court system, except in cases where the employer is a UN System agency, or to the PMU . If confidentiality is requested, the PMU will ensure it to avoid any risk of retaliation , including in its follow-up actions.

Verify, Investigate and Act. The supervisor or the supervisor's superior will verify the details and seek to address the matter within the shortest time (up to 48 hours). They will escalate the matter if not resolved within 48 hours if a resolution is not found.

Where no resolution is found, the employee can escalate the matter to the sector specific institutions or courts who will resolve the matter between employer and employee, except in cases where the employer is a UN System agency, in which case see the next paragraph. The Supreme Court's decision is final, where it has exercised lawful jurisdiction.

Where the formal courts are not accessible, do not exist in an area, or cannot render a judgment, the matter shall be reported to and handled under the PMU, for example through the **Project Grievance Redress Mechanism (GRM)**. **The PMU, in this case, will accommodate a fair agreement between the worker and the contractor.**

Monitor, Evaluate and Feedback. The contractor shall keep records of all proceedings of grievance redress that are within their jurisdiction and furnish UNOPS and IOM as part of the periodic progress reporting to UNOPS or IOM. UNOPS and IOM will provide analytical synthesis reports on a quarterly basis to the PMU, which include the number, status and nature of grievances to the PMU. These reports will form the basis of all regular reports to the World Bank.

UNOPS and IOM will further provide an excel sheet summary of the feedback and grievances reported, which will be linked to the Project's Management Information System (MIS) and to the M&E Results Framework. They will further maintain a documented record of stakeholder engagements, including a description of the stakeholders consulted and a summary of the feedback/grievances received during community consultations.

Grievances of Sexual Nature.

All grievances of sexual nature (GBV/sexual harassment/Sexual Exploitation and Abuse) should follow the ECRP GBV/SEA Action Plan referral pathways and complaints resolution mechanism.

Cases of GBV/SEA can be reported through the Workers' GRM, or the general Project GRM. The GBV survivor has the freedom and right to report an incident to anyone: community member, project staff, GBV case manager, employer, etc¹⁸⁵. All relevant staff of the PMU, IOM and contractors will receive

¹⁸⁵ In case the survivor is a child, the consent of parents or guardians should be sought where it is in the best interest of the child and if they are not the perpetrators. However, where parents/guardians refuse to pursue the case in the court of law on the child's behalf, with clear evidence, the Directorate of Gender and Child Welfare should take up the role and pursue the case on the child's behalf to ensure that she/he is protected. Parents/guardians should be counselled first and thereafter, and taken to task by filing a case against them for denying the child her/his rights. All service provider interventions to child survivors must be undertaken with staff trained in child-friendly procedures in regards to the handling of cases. A child survivor should continue to go to school while procedures are ongoing and all efforts should be done to ensure her/his protection. In addition to this, all the above reporting and referral procedures should be applied

training on receiving GBV complaints and referral systems, ideally during the project initiation phase and as part of the staff welcome package. The GRM operators will be trained to receive those cases in an appropriate manner and immediately forward them to the GBV/SEA referral system. The GRM operator will ensure appropriate response by i) providing a safe and caring environment and respecting the confidentiality and wishes of the survivor ii) If survivor agrees, obtaining informed consent and making referrals and iii) providing reliable and comprehensive information on the available services and support for survivors of GBV.

Workers should generally be encouraged to report all GBV/SEA cases through the dedicated GBV/SEA referral system and complaints resolution mechanism. This will be made explicit in all community awareness sessions and be a part of the publicly disclosed information. The GBV/SEA referral system will guarantee that survivors receive all necessary services, including medical, legal and counselling, and cases will be reported to the police where applicable.

If such cases are reported through the project GRM or the Workers' GRM, the GRM Operator or the employer needs to report the case within 24 hours to the PMU, as the PMU is obliged to report any cases of GBV/SEA to the World Bank within 48 hours (provided there is informed agreement from the survivor).

UNOPS and IOM have their organizational PSEA systems in place through which violations by staff will be handled. This may be in addition to criminal prosecution to ensure that sanctions for the violation of Codes of Conduct are implemented. UNOPS and IOM are in charge of checking that the courses for contractors regarding the Code of Conduct obligations and awareness raising activities to the community are in place. The information gathered should be monitored and reported to project PMU and the World Bank. All reporting will limit information to the survivor's wishes regarding confidentiality and in case the survivor agrees on further reporting, information will be shared only on a need-to-know-basis, avoiding all information which may lead to the identification of the survivor and any potential risk of retribution.

WB's Grievance Redress Service (GRS). Communities and individuals who believe that they are adversely affected by a World Bank supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org

Monitoring and Supervision

The performance monitoring of this LMP will follow the same institutional arrangement as the monitoring and supervision of the ESMF. Detailed mechanisms are laid out above in the monitoring section of the ESMF. In general, the PMU will be responsible for the monitoring of the implementation of the LMP. In particular, the Social Officer in the PMU will work directly with the relevant UNOPS and IOM social officers in the field to ensure that the LMP is fully implemented.

The Social Officer will undertake supervision missions and spot checks as per schedule laid out above. Through the initial activity- or site-specific screening process, the Social Officer will be aware of potential labor-related risks and impacts of activities and will develop a monitoring schedule around these.

Non-compliance of the LMP will be reported to the PMU Project Manager, and will be taken up in the regular E&S reporting (see annex on reporting outline)

Furthermore, the Project will deploy IVA, who will also be tasked to monitor the implementation of the ESMF and associated instruments, such as the LMP.

Appendix A: EMPLOYEE INDUCTION CHECKLIST

As part of induction, all ECRP Direct Workers will be inducted to ensure clear understanding on the following aspects of the LMP;

- x. Key Job Specifications
- xi. Terms and Conditions of Employment
- xii. Special Codes of Conduct
- xiii. Disciplinary Procedures
- xiv. Grievance Redress Mechanism
- xv. Key ES Aspects of ECRP
- xvi. Key operational ES documents
 - ESMF
 - LMP
 - GBV/SEA and Child Abuse Action Plan and any others
- xvii. Emergency Preparedness

Appendix B: EMPLOYEE EMPLOYMENT TERMS AND CONDITIONS CHECKLIST FOR ALL EMPLOYERS OF PROJECT WORKERS

The following details will be captured and agreed between the employer and the employee. The information shall be readily available during supervision whether to the World Bank or PMU

1. Name of employers
2. Employee details (Name, Date of Birth, Contact details, Identification Number)
3. Date of employment commencement
4. Basis and payment of wages
5. Frequency of wage payment
6. Method of payment
7. Mandatory deductions
8. Hours of work
9. Job description
10. Probation period
11. Leave entitlements
12. Other benefits (Pension, Transport, Housing, Holiday, Education, Health)
13. Notice period
14. Acknowledgement of voluntary employment
15. Acknowledgement of knowledge of GRM
16. Jointly signed

Appendix C. CONTRACTOR MANAGEMENT CHECKLIST

The PMU will use the following checklist to validate the Contractors compliance with the LMP.

1. Evidence of inclusion of ESMF and LMP in bidding documents.
2. Understanding of the Contractor's Obligations from the ESMF and LMP
3. Valid, understood and consented work contracts with employees as highlighted in appendix B.
4. Mainstreaming against forced labour
5. Mainstreaming Gender in the workplace through the Gender Based Violence (GBV) Action Plan
6. Mainstreaming HIV and AIDS in the workplace
7. Mainstreaming GRM
8. Mainstreaming freedom of association and right to collective bargaining
9. Evidence of induction of employees on Contractor's obligations from ESMF and LMP
10. Appointment of appropriate HSSE Representation for the contractor
 - Written appointment
 - Specified HSSE function on job description
 - Empowered to advise contractor accordingly
 - Qualified and competent for the job
11. Appropriate documentation, implementation, monitoring and review of HSSE System (HSSE Commitments, HSSE Procedures for key ES Aspects commensurate with scope of work)
12. Inventory and use of appropriate Personal Protective Equipment
13. Emergency plan (Identify emergencies and prepare for mitigation)
14. Safety and health provisions
 - Waste receptacles
 - Water supply
 - Toilet facility
 - Hand washing provision
 - Secured campsite where applicable
 - Decent accommodation where required
 - Functional first aid kit
15. Applicable legal register