

LABOUR MANAGEMENT PROCEDURES

FOR

**Western Economic Corridor and Regional Enhancement Program
(WeCARE)**

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Local Government Engineering Department (LGED)
Ministry of Local Government, Rural Development & Cooperatives

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Executive Summary

The Labour Management Procedures (LMP) is developed to manage risks under the Western Economic Corridor & Regional Enhancement Program (WeCARE) implemented by the Local Government and Engineering Division (LGED), and funded by the World Bank. The LMP sets out the Program's approach to meeting national requirements as well as the objectives of the World Bank's Environmental and Social Framework, specific objectives of Environmental and Social Standard 2: Labour and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4).

The document is divided into 12 sections. They are:

1. Overview of labour use on the project
2. Assessment of key potential labour risks
3. Brief overview of labour legislation: Terms and conditions
4. Brief overview of labour legislation: Occupational health and safety
5. Responsible staff
6. Policies and procedures
7. Age of employment
8. Terms and conditions
9. Grievance redressal mechanism
10. Contractor management
11. Community workers
12. Primary supply workers

It identifies the types of workers who will be engaged in the program with tenures of respective groups to be recruited and involved. Of whom Direct, Contracted (and sub-contracted, as appropriate), and Primary Supply Workers are the major types.

The key highlight of this document is to categorically identify, assess, and prescribe on how to address the issues of Child and Forced Labour, Labour Influx, Gender-based Violence, Occupational Health and Safety, and Trafficking.

The program, in general, will discourage the recruitment of children and practices of forced labour. It will primarily follow the national legislations. Furthermore, it will arrange for awareness-raising activities added with periodic monitoring to ensure that the standards set in this procedure are followed.

There is a high probability of labour influx from different parts of the country during the implementation of this program. Necessary measures are proposed in the procedure and the monitoring mechanism embedded in the program will make sure that those are translated into regular practice. Responsible parties' actions will be periodically reported for the record.

The procedure specifically suggested the program's position in case of gender-based violence and trafficking. It pinpoints the high chance of women (and their children) being subject to gender-

based violence and trafficking with the program. Hence, necessary mechanisms are in place with regular monitoring and reporting.

The LMP identified the commonalities and gaps between the World Bank's ESF standards and present legislation of Bangladesh. Good practices are adopted, while issues/ areas of further improvement are proposed, to be followed during the implementation of the program. For example, the Employees Union, Safe Work Environment et al will be practised in this program.

The LMP with due importance incorporated the issue of Occupation Health and Safety ensuring appropriate implementation of the ESS4. The issues related with safety of project communities who are exposed to the project activities and other pertains to the exposure and/or increased risks of diseases by the community due to influx of people during construction and operation.

As the project includes a component on response to COVID19 and given the pandemic situation, LGED will follow the World Bank's interim note on "COVID-19 Considerations in Construction/Civil Works Projects" and the Technical Note on "Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings".

To translate the procedure into real actions the program will recruit required skill-hands with relevant experience and knowledge. The areas that these experts will cover are OHS, Labor and Working Conditions, Worker Grievance, Training, and raising the level of awareness of people engaged with the program direct and indirect.

Introduction of a standard Grievance Redressal Mechanism has made the LMP unique and created a milestone in this regard for the Department. This will be an example for the Department to be followed in all of its ongoing and upcoming programs/ projects. The mechanism included Disciplinary Procedure, Individual Grievance Procedure, Collective Grievance Procedure, Gender-based Violence, and Workplace Sexual (and other) Harassments.

The section on Contractor Agreement introduced a high-level of standards to ensure that the ESS2 and ESS4 in place and operation truly.

Introduction

The LGED's Environmental and Social Management Framework identified key risks and impact associated with Program implementation, associated with workers as well as community health and safety, and the risk associated with labour impact. The World Bank has rated the overall project's risk as "high" which indicates a high likelihood of adverse impacts associated with Program implementation.

The high rating indicates that the risks are required to be well understood and expected to have high impact as they would require highest possible efforts to be avoided, minimized or managed through procedures, including procedures set out in this LMP. However, WeCARE-LGED is committed to, continuously, throughout the Program, evaluate risks and impact to have in place adequate measures and procedures to manage adverse impacts.

The focus of the LMP is on workers engaged by WeCARE-LGED in respective components. Adhering to these procedures, Program contractors will be required to prepare a Labour Management Plan for larger works. For smaller contracts, WeCARE-LGED may prepare specific procedures to be inserted in the contract as part of contractors' legal obligations.

The approach will be assessed as part of the initial screening of environmental and social risk and impact carried out by WeCARE-LGED's Project Management Unit.

1. OVERVIEW OF LABOUR USE ON THE PROJECT

The LMP applies into all Project workers whether full-time, part-time, temporary, seasonal or migrant workers. The LMP is applicable, as per ESS2 to the Project in the following manner:

- i. People employed or engaged directly by WeCARE-LGED including government officials/officers (from LGED or other agencies/ministries), deputed to work specifically in relation to the Program;
- ii. People employed or engaged by contractors to perform work related to the core function of the program, regardless of location;
- iii. People employed or engaged by WeCARE-LGED's primary suppliers.

1.1 - Labour Requirements

Direct Workers¹: Direct workers will be divided into three (03) major units. First, the PMU, then Program-based Staffs and finally, Permanent Staffs. The PMU will employ consultants and

¹ A "direct worker" is a worker with whom the Program has a directly contracted employment relationship and specific control over the work, working conditions, and treatment of the project worker. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the

support staff who are working on contractual bases as part of the Program Management Unit (PMU). Terms and conditions of these consultants are guided by the National Labour Law. The consultants will be engaged by the Program to undertake short period assignments as necessary. These are consultants guided by specific contractual agreements between them and LGED.

Timing of labour requirements: Direct workers are eligible to work for a fixed contract period of not more than 1 year. Contracts will be renewed for another/ next year based on satisfactory services. Consultants will be engaged under a short term period of not more than six months and the labour requirement including the time schedule and deliverables are stipulated in their respective contracts.

Contracted Workers²: Based on the requirement in every component the PMU will employ contractors who will hire contracted workers based on their level of skills and project needs. If agreed with the PMU, sub-contracts of the work could be given. Sub-contractors recruited may supply labourers as per the agreed terms and conditions. The sub-component 4 (a) (Provision of jobs through labor intensive civil work) to implemented by LGED will include immediate provision of labor-intensive small works contracts (e.g. routine maintenance of roads, advance clearing and grubbing of roadway width which we are going to be improved under the Project, flood control and protection works around culverts/bridges, village and market drainage and protection works, market cleaning and maintaining hygiene) that will provide just-in-time livelihood support to poor people in rural areas and stimulus to the local economy. A Labor Contracting Society (LCS) model will be followed. Given the COVID19 situation, the labourers employed through LCS model will be treated as contracted workers. In addition to relevant national laws and World Bank policies, the labour contractor will be required to ensure that the World Bank’s interim note on “COVID-19 Considerations in Construction/Civil Works Projects” and the Technical Note on “Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings” are followed in recruiting labourers and during the work.

Timing of labour requirements: Contracted workers are eligible to work for a contract period fixed by the PMU, and then recruited by the Contractor. Their contracts will be renewed, if required, based on satisfactory services.

Primary Supply Workers³: Based on the requirement in every component primary supply workers will be recruited by the suppliers as required. It will be ensured (and monitored periodically by the PMU) that no children are recruited and supplied as worker. Furthermore, it will be monitored like above that these workers are not subject to ‘forced labour’ in any manner. The PMU will be responsible to make sure that these standards are followed strictly. If any

terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project.

² A “contracted worker” is a worker employed or engaged by a third party to perform work or provide services related to the core functions of the project, where the third-party exercises control over the work, working conditions, and treatment of the project worker.

³ A “primary supply worker” is a worker employed or engaged by a primary supplier, providing goods and materials to the project, over whom a primary supplier exercises control for the work, working conditions, and treatment of the person.

deviation is identified the PMU will take action as prescribed in the contract/ agreement following the LMP.

Timing of labour requirements: Their tenure service will be based on supplies as procured.

2. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

The main labour risks associated with the program are assessed to be related to the potentially hazardous work environment, the associated risk of accidents and labour influx. Based on current conditions in the sector it is assessed that the risk of a child or forced labour is negligible, and already managed through national legislation.

Child and Forced Labour: The risk of child labour will be mitigated through Certification of labourers' age. This will be done by using the legally recognized documents such as the National Identification Card, and Birth Certificate. Further, awareness raising sessions will be conducted regularly to the communities to sensitize on prohibition and negative impacts of child and forced Labour.

Labour influx: While a substantial number of jobs will be created, it is expected that the program area will experience substantial labour influx. LGED's existing operational procedure is to mandate and localize the economic benefits and only allow for outside, including expatriate labour, where there is a requirement for specialized skills. External workers, which will be few in numbers, will be accommodated at existing housing in the area which has been prior practice by LGED in similar projects. If it is necessary there will be dedicated camps established for worker accommodation in the project. Specific requirements to manage risks associated with labour influx, related to the interaction between program workers and local communities, such as communicable diseases and gender-based violence, are managed through contractual requirements, code of conduct and training set out in this document. These procedures are guided by national legislation and also follow the guidelines of Bank's ESS 2 and ESS 4 and the World Bank's interim note on "COVID-19 Considerations in Construction/Civil Works Projects" and the Technical Note on "Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings".

Gender-based violence: Construction workers are predominantly younger males and females, in some cases. Those who are away from home on the construction job are typically separated from their family and act outside their normal sphere of social control. This can lead to inappropriate and criminal behaviour, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community. A large influx of male labour may also lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work.

Occupational health and safety. LGED has existing corporate requirements for contractor training and safety, records of which are inspected monthly and audited bi-annually. The World Bank's interim note on "COVID-19 Considerations in Construction/Civil Works Projects" will have to be followed to ensure occupational health and safety of the workers.

Trafficking: As part of the project area is adjacent to the border of India, there is always the risk of ‘trafficking’. Trafficking in persons is defined as the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Women and children are particularly vulnerable to trafficking practices. This is regardless of the WeCARE and may exacerbate to the existing situation.

3. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

Standards for labour and Working Conditions are defined in the Labour Act 2006 and Bangladesh Labour Rules 2015 and Occupational Health and Safety Policy 2013. The Bangladesh Labour Act 2006 is a comprehensive legislation. The Act addresses three areas: (i) Conditions of service and employment including wages and payment, establishment of Wages Boards, employment of young people, maternity benefits, working hours and leave; (ii) health, safety, hygiene, and welfare, and compensation for injury; and, (iii) trade unions and industrial relations.

Table 1. Main gaps of government system with respect to the WB ESF Standards

WB ESF Standard	Gaps
ESS2: Labour and Working Conditions	(i) The Labour Act does not specifically require that development projects be assessed and reviewed in terms of labour and working conditions including OHS requirements before approval. (ii) The Labour Act does not require development projects to prepare Labour Management Plans/Procedure or OHS Plan.
ESS4: Community Health and Safety	Covered under ESIA but the systems do not provide clear requirements for the development project and implementation. Health issues are within the purview of MoHFW, but it is currently not involved in project preparation and oversight.

The law applies to all “establishments” which are defined broadly to include, shops, hotels, restaurants, factories (though these must employ more than five labourers), plantations, docks, transport services, construction sites, and “any premises in which labourers are employed for the purposes of carrying on any industry.” It does not apply to the agricultural sector – though it does apply to tea plantations, and certain provisions apply to tea gardens. It is clear that it covers contractors (and its operations at construction sites) however it is not clear if the law applies to development project management which are inevitably “ad hoc” as regard implementation with staff that are co-terminus with the project.

The Public Procurement Rule 2008 requires contractors to take all reasonable steps to safeguard the health and safety of all workers working on-site and other persons authorized to be in it; (ii) to

keep the site in an orderly state; and (iii) to protect the environment on and off the site; to avoid damage or nuisance to persons or to property of the public or others resulting from pollution, noise or other causes arising as a consequence of the Contractors methods of operation.

The Bangladesh Labour Act 2006 both consolidates the law that existed in 25 Acts and Regulations (including the Factories Act 1965, and Industrial Relations Ordinance 1969 - all of which have now been repealed) whilst at the same time making some significant amendments.

The Act imposes obligations in the following areas of Labour law:

- conditions of service and employment including wages and payment (and establishment of Wages Boards), employment of young people, maternity benefits, working hours and leave;
- health, safety, hygiene, and welfare, and compensation for injury;
- trade unions and industrial relations.

The labour law of Bangladesh clearly describes all things related to labour and workforce including wage and salary, termination, redressing, work environment, female worker, recruitment, unionization, child labour and so on. According to the Labour Act 2006, some salient features of Bangladesh labour law are described as follows:

Work hours: Section 100 makes a provision of 8 working hours a day for an adult worker, but an adult worker may work 10 hours a day provided all the conditions of section 108 have been fulfilled. According to that section the employer is required to pay the worker, overtime, double the rate of his/her usual wages. i.e. basic & dearness allowance, if any. The employer is also required to maintain an overtime registrar as per the law. The new law makes a provision of total 48 (forty-eight) working hours for a worker, but it can be extended up to sixty hours, subject to the payment of overtime allowances as per section 108 of the law.

Wages: Public sector labourers' wages are set by the National Pay and Wages Commission and may not be disputed. In the private sector, wages are set by the industry, and collective bargaining rarely occurs due to high unemployment and labourers' concerns over job security. The legal workweek is 48 hours, with one day off mandated. This law is rarely enforced, especially in the garment industry.

The term "Wages" means all economic benefits including salary, any bonus, and remuneration for overtime work, holiday or leave, termination of employment or other additional remuneration payable under the terms of employment. Every employer is responsible for the payment of wages to labourers employed by him. In case where the 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. The wages of every worker must be paid before the expiry of the 7th working day after the last day of the wage period in respect of which the wages are payable.

The term minimum wage is not defined by the Labour Act 2006 rather it sets a procedure for fixing industry wise minimum wage rates. Minimum wage rates are declared by the Government on an industry basis following recommendations by the Wages Board, a specialist tripartite board established under section 138 of the Labour Act 2006. In making its recommendation, the Wages

Board takes into consideration cost of living, standard of living, cost of production, productivity, price of products, business capability, inflation rate, economic and social conditions of the country and of the locality concerned and other relevant factors.

The Minimum Wages Board (MWB) is obliged to revise its recommendations if any of the aforementioned criteria change (within 1-3 years). The minimum rates of wages for any industry may be re-fixed after every five years as may be directed by the Government.

Minimum wage rates are set on an industry basis and are binding on all employers concerned. Failure to pay labourers the minimum wage is punishable by imprisonment for up to one year, or by fine up to Tk. 5,000 or by both.

Where the employment of a worker is terminated by retirement or by the employer, whether by way of retrenchment, discharge, removal, dismissal or otherwise, the wages payable to him must be paid before the expiry of the 30th working day from the day on which his employment is so terminated. Wages have to be paid in legal tender, through cheque and in some cases (given the requirement of the labourers) through an electronic transfer in favor of the bank account of the worker or through any other digital medium. Wages must be paid on a working day. No deduction can be made from the wages of a worker except those authorized by the Labour Act in its section 125.

Employees union: Employees are allowed to make unions to establish and ensure their rights but the government does not permit any unionization in the EPZ. In 2018 the government amended the law changing labourers' participation required to form trade unions at factories reduced to 20% from the previous 30%.

Regular leaves and benefits: According to the Act 2006, every worker must enjoy paid sick leave, casual leave, and festive holiday. The labourers would get festival allowances as per the rules, and labourers of the export-oriented and foreign exchange earning industries would enjoy the facilities from central group insurance policy. Labourers, if they wish, can enjoy weekly holiday merging with festival holidays. On any festival holiday, a worker can be asked to work in exchange of one-day alternative holiday and compensation allowances equivalent to wages of two days.

Maternity leave: Female worker will get paid maternity leave. An expectant mother would be entitled to 8 week maternity leave and other benefits within three days of submission of necessary documents. Maternity leave was made mandatory since 2018.

Safe work environment- Health/ Safety/ Welfare: Every industrial unit having more than 25 labourers must have arrangement of a dining and rest room with facilities of drinking water. This act also ensures employee safety, health and resolving any kind of disputes and unfairness also.

Notice periods: A permanent employee at a company must give his employer 14 days' notice if s/he wishes to quit or one month notice if the employee is paid on a monthly basis. Termination is considered a "discharge" in the case that an employee is fired for reasons of mental or physical incapacity, illness or other reasons not related to misconduct by the employee. An employer must pay compensation when a termination is unrelated to discharge or dismissal, and must give

justification when they do terminate on grounds of discharge or dismissal. There is already an initiative of Bangladesh Labour Welfare Federation under MoLE to set up a ‘pension & gratuity’ system for the wage labourers.

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

Generally, the management of community health and safety of development projects is covered under ECA and ECR. Typically, OHS measures extend to the general public at construction sites.

There are basically two components of OHS. One is the physical safety of project communities who are exposed to the project activities during construction and operation, including risks of accidents and risks of violence due to increase in crimes and cultural conflict between locals and migrant population. The other pertains to the exposure and/or increased risks of diseases by the community due to influx of people during construction and operation and due to the changes in the project area, including pollution and ecological change. The physical safety aspects are partly addressed by the OHS provisions of Labour Act. Other laws have specific provisions that addresses part of ESS4.

Bangladesh has a well-structured health system with three tiers of primary health care – Upazilla Health Complexes (UHC) at the sub-district level, Union Health and Family Welfare Centers (UHFWC) at the Union (collection of few villages) level, and Community Clinics (CC) at the village level. These are backed by the District Hospitals providing secondary level care and the tertiary hospitals of various kind in large urban centers. The system is decentralized covering all districts, sub-districts and rural towns and villages in the country. Bangladesh has a good infrastructure for delivering primary health care services. However, due to inadequate logistics the full potential of this infrastructure has never been realized.

Traffic road accident is a serious issue in Bangladesh. Road traffic accident fatalities in Bangladesh is estimated to be around 10,000/year (DFID, 2003) to about 20,000/year (WHO, 2009), about 47% of it involving pedestrians.

There are two kinds of formal means by which health, safety and welfare obligations can be enforced. First through use of powers provided to inspectors to require improvements to make; and second through the use of criminal prosecutions. ‘Factory Inspectors’ (DIFE) are given certain powers to take steps requiring improvement if inspectors believe certain circumstances exist.

Health and Safety Offences: There are five offences in the Act specifically relating to health, safety and welfare – the selling of unguarded machinery (Section 208), failure to give notice of an accident (Section 290), a breach causing death (Section 309a), a breach causing grievous bodily harm (Section 309b) and a breach causing any harm (Section 309c).

In addition, there is a ‘catch-all’ offence that allows prosecutions against “whoever contravenes or fails to comply with any provisions of the Code, or any rules of scheme made under it” – which is punishable by up to 3 months imprisonment or with a fine of up to Tk. 1,000 or both (Section 307). This offence would, for example, apply to any breach of the obligations involving health, safety and welfare, not already covered by the offences above. A repeat conviction for the same offence can result in double the fine or sentence of imprisonment (Section 308).

When there has been a breach of a duty imposed upon an employer, any one of individuals defined as an employer can be prosecuted. In addition, when a company is prosecuted, “every director, partner, shareholder or manager or secretary or any other officer or representative directly involved in [its] administration” shall be deemed guilty unless he can prove the offence has been committed without his knowledge

Table 2: Conformance of the Bangladesh Labour Act with key elements of the ESS2

Key Elements of ESS2	Provisions in the Labour Act	Steps planned
Equal Opportunity and Non-discrimination	The law contains important provisions prohibiting discrimination based on sex and disability, including equal wages for equal work.	No steps required.
Timely payment	Wages must be paid before the expiry of the 7 th working day after the last day of the wage period.	No steps required.
Working hours and overtime	48 hours per week extendable up to 60 hours with 12 hrs overtime.	No steps required.
Worker rights	Regular leaves and benefits. Employer must provide reasons for termination.	The LMP incorporated necessary provisions and actions.
Prevents use of all forms of forced labour and child labour	Below 14 years of age shall not be required or allowed to work in any factory. 14 years of age shall allow working in a factory if s/he is trainee or s/he has certificate of fitness and government permission if the nature of employment is considered non-hazardous. Otherwise, all forms of child labour are banned.	No steps required.
<i>Protection of Workers</i>		
OHS	The law provides for comprehensive OHS and empowers DIFE to conduct inspections of establishments and to imposed penalties for violations or non-compliance.	The World Bank’s interim note on “COVID-19 Considerations in Construction/Civil Works Projects” will need to be followed.

Children at Working Age	Children (14 - 18) shall be assigned only light work and not be assigned to hazardous tasks.	No steps required.
Women	8 weeks paid maternity leave for expectant mothers is mandatory.	No steps required.
Person with Disabilities (PWD)	Person with Disabilities (PWD) Rights and Protection Act 2013 provides for rights to discrimination-free employment opportunities.	The LMP incorporated necessary provisions and actions.
Migrant Workers	No special provisions for migrant workers	No steps required.
Contractor Workers	In case where the 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.	No steps required.
Community Workers	The labour law does not recognize community workers as defined in the ESS2 and hence does not provide any special considerations for such contracting arrangements. The law requires that all labour supply contracting agency will have to be formally registered and workers should first be the responsibility of the contracting agency.	No steps required.
Supplier/ Supply Workers	The law does not assign any responsibility to the project on supplier's labourers and their working conditions. Workers of suppliers will have to be the responsibility of the suppliers.	The LMP incorporated necessary provisions and actions.
Freedom of association and collective bargaining	Employees are allowed to form union with at least 20% of the employees participating, but the government does not permit any unionization in the Export Processing Zones.	No steps required.

Access to grievance redress mechanism	Employees can seek direct civil law redress from the Labour Courts for complaints regarding terms and conditions employment and wages. While health and safety, maternity welfare and child labour offences are subject to criminal prosecution. In general, there is institutional GRM for labor in Bangladesh as per the standards/provisions of the Bank's ESS2.	The LMP incorporated necessary provisions and actions.
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5. RESPONSIBLE STAFF

The overview of responsible staff and oversight mechanisms will be described in further detail in the ESMF. This is an overview – the details will flow from the ESMF and can be taken further forward during the implementation stage.

WeCARE-LGED's Project Management Unit *inter alia* the Project Director (PD) has the overall responsibility to oversee all aspects of the implementation of the LMP, in particular to ensure contractor compliance. LGED will address all LMP aspects as part of procurement for works as well as during contractor induction. The contractor is subsequently responsible for management in accordance with contract specific Labour Management Plans, implementation of which will be supervised by WeCARE-LGED's Project Management Unit on a monthly basis or at shorter intervals as defined by specific Plans. The detailed approach is described in the following sections.

Occupational Health and Safety. Contractors must engage a minimum of one safety representative. Smaller contracts may permit for the safety representative to carry out other assignments as well. The safety representative ensures the day-to-day compliance with specified safety measures and records of any incidents. Minor incidents are reported to LGED on a monthly basis, serious incidents are reported immediately. Minor incidents are reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately.

Labour and Working Conditions. Contractors will keep records in accordance with specifications set out in this LMP. LGED may at any time require records to ensure that labour conditions are met. The Project Management Unit will review records against actuals at a minimum on a monthly basis and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

Worker Grievances. WeCARE-LGED's procedures currently in place will remain for Project staff. Contractors will be required to present a worker grievance redress mechanism which responds to the requirements in this LMP. The Project Management Unit's designated Officer will review records on a monthly basis. Where worker concerns are not resolved, the national system will be used as set out in the section, but the Project Management Unit will keep abreast of resolutions and reflect in quarterly reports to the World Bank.

Additional Training. Contractors are required to, at all times, have a qualified designated officer on board. If training is required, this will be the contractor's responsibility. The safety officer will provide instructions to contractor staff. LGED will procure for training to address risks associated with labour influx and will provide a schedule for trainings required. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by LGED, as specified by the contract.

Raising awareness. The project will take initiative to organize sessions on raising awareness of the communities on issues relevant to the project's compliance and standards (e.g. labour standards, gender-based violence et al). This, in addition to project's Communication Strategy, will ensure effective and efficient participation of different stakeholders of the project.

Table 3: Agencies involved in ES Risk Management of development projects in Bangladesh

ESF Standards	Assessment	Planning	Implementation	Oversight
ESS2: Labour and Working Conditions	LGED	LGED	LGED	MOEF-DOE (MOLE-DIFE)
ESS4: Community Health and Safety	LGED	LGED	LGED (MHFW)	MOEF-DOE (MOLE-DIFE) (BRTA) (MHFW)

6. POLICIES AND PROCEDURES

Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.

Most environmental and social impacts of subprojects resulting from activities directly under the control of contractors will be mitigated directly by the same contractors. As a consequence, ensuring that contractors effectively mitigate project activities related impacts is the core of the Program's approach. LGED will incorporate standardized environmental and social clauses in the tender documentation and contract documents, in order for potential bidders to be aware of environmental and social performance requirements that shall expected from them, are able to reflect that in their bids, and required to implement the clauses for the duration of the contract. LGED will enforce compliance by contractors with these clauses.

As a core contractual requirement, the contractor is required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the LGED or LGED appointed agents. The contractual arrangements with each project worker must be clearly defined in accordance with national law. A full set of contractual

requirements related to environmental and social risk and impact management will be provided in the Programs' Environmental and Social Impact Assessment. All environmental and social requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the Programs environmental and social instruments.

Under no circumstances will LGED, the Ministry, Contractors, suppliers or sub-contractors engage forced labour. Forced labour includes bonded labour (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods, retaining the worker's identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable at the commencement of employment, loss or delay of wages that impede the workers' right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis can be referenced or annexed to the LMP, together with any other supporting documentation.

6.1 - Occupational, Health and Safety

WeCARE-LGED is committed to:

1. Complying with legislation and other applicable requirements which relate to the occupational health and safety hazards.
2. Enabling active participation in OH&S risks elimination through promotion of appropriate skills, knowledge and attitudes towards hazards.
3. Continually improving the OH&S management system and performance.
4. Communicating this policy statement to all persons working under the control of LGED with emphasis on individual OH&S responsibilities.
5. Availing this policy statement to all interested parties at all LGED facilities and sites.

The WeCARE-LGED Program will have a designated Safety, Health and Environmental Representative for the workplace or a section of the workplace for an agreed period. At a minimum, the Representative must:

- a. Identify potential hazards;
- b. In collaboration with the employer, investigate the cause of accidents at the workplace;
- c. Inspect the workplace including plant, machinery, and substance, with a view to ascertaining the safety and health of employees provided that the employer is informed about the purpose of the inspection;
- d. Accompany an inspector whilst that inspector is carrying out the inspector's duties in the workplace;
- e. Attend meetings of the safety and health committee to which that safety and health representative is a member;
- f. Subject to (g), make recommendations to the employer in respect of safety and health matters affecting employees, through a safety and health committee; and
- g. Where there is no safety and health committee, the safety and health representatives shall make recommendations directly to the employer in respect of any safety and health matters affecting the employees.
- h. Follow the World Bank's interim note on "COVID-19 Considerations in Construction/Civil Works Projects"

Further to avoid work related accidents and injuries, the contractor will:

1. Provide occupational health and safety training to all employees involved in works.
2. Provide protective masks, helmet, overall and safety shoes, and safety goggles, as appropriate.
3. Provide workers in high noise areas with earplugs or earmuffs.
4. Ensure availability of first aid box.
5. Provide employees with access to toilets and potable drinking water.
6. Provide safety and occupational safety measures to workers with Personal Protection Equipment (PPE) when installing pumps to prevent accidents during replacement and installation and follow safety measures in installing submersible pump and cleaning the raiser pipes.
7. Properly dispose of solid waste at designated permitted sites landfill allocated by the local authorities and cleaning funds; and attach the receipt of waste from the relevant landfill authority.
8. Carry out all procedures to prevent leakage of generator oil into the site.
9. Ensure that the head of the well is covered tightly.
10. Provide secondary tank for oil and grease to avoid spills.

Further to enforcing the compliance of environmental management, contractors are responsible and liable of safety of site equipment, labours and daily workers attending to the construction site and safety of citizens for each subproject site, as mandatory measures.

6.2 - Labour Influx and Gender Based Violence

Contractors will - maintain labour relations with local communities through a code of conduct (CoC). The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior. The CoC shall include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). The CoC shall be written in Bangla (for the expatriate worker, it'll be usually in English) in a reader-friendly style and signed by each worker to indicate that they have:

- i. received a copy of the CoC as part of their contract;
- ii. had the CoC explained to them as part of induction process;
- iii. acknowledged that adherence to this CoC is a mandatory condition of employment;
- iv. understood that violations of the CoC can result in serious consequences, up to and including dismissal, or referral to legal authorities.

A copy of the CoC shall be displayed in a location easily accessible to the community and project affected people. It shall be provided in Bangla.

Contractors shall address the risk of gender-based violence, through:

- i. Mandatory training and awareness raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women. Training may be repeated;

- ii. Informing workers about national laws that make sexual harassment and gender-based violence a punishable offence which is prosecuted;
- iii. Adopting a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence;

A system to capture gender-based violence, sexual exploitation and workplace sexual harassment related complaints/issues shall be developed.

This process shall be under the portfolio of a designated Officer who shall identify and engage the relevant stakeholders on GBV issues.

7. AGE OF EMPLOYMENT

No child who has not completed 14 years of age shall be required or allowed to work in any factory. An adolescent who has completed 14 years of age shall allow working in a factory if s/he is trainee or s/he has certificate of fitness and government permission. Otherwise, all forms of child labour is banned since the 2018 amendment of national Labour law.

8. TERMS AND CONDITIONS

As stated in section 3 of this LMP the terms and conditions of employment are governed by the Labour Act. The Act makes it mandatory for employers to give its employees a copy of the written particulars of employment, signed by both parties. For this program, contractors will be required to provide all its employees with written particular of employment.

Contractors will also be required to comply with the most current regulation of wages which is issued by the Government and reviewed on a regular basis. The order specifies the minimum wages, hours of work, overtime pay, leave entitlements, travelling and subsistence allowances and the issue of protective clothing.

The Act states that before a contractor is awarded a public contract, that contractor is required to certify in writing that the wages, hour and conditions of work or persons to be employed by him on the contract are not less favorable than those contained in the most current wages regulation issued. Where a contractor fails to comply with this requirement, the contract with the contractor may be withdrawn as an approved contractor upon recommendations of the LGED.

In ensuring full compliance with the law in this regard, contractors will be required to furnish LGED with copies of the Written Particulars of Employment or copies of contract of all its workforce. Contractors will not be allowed to deploy any employee to work in the project if such copy of employment of that employee has not been handed to LGED.

As a monitoring mechanism, the contractor shall not be entitled to any payment unless he has filed, together with his claim for payment, a certificate: - a) stating whether any wages due to employees are in arrears; b) stating that all employment conditions of the contract are being complied with. For this program, it will be a material term of the contract to allow LGED to withhold payment from contractor should the contractor not fulfill their payment obligation to their workers.

8.1 - Worker's Organization

The country has ratified the numerous ILO Conventions aimed at ensuring that member states do protect the notion of collective bargaining. The Labour Act enacted to give effect to the collective bargaining, amongst other purposes. The Act allows for the collective negotiation of terms and conditions of employment.

The WeCARE-LGED provides employees with the right to join and form an organization for purpose of labour representation to negotiate favorable terms and conditions for their members amongst other rights.

9. GRIEVANCE REDRESSAL MECHANISM

In any working environment it is essential for both employers and employees to be fully conversant with all aspects of disciplinary processes, the grievance handling procedures and the legal requirements and rights involved. In implementing an effective dispute management system consideration must be given to the disputes resulting from the following:

1. Disciplinary action
2. Individual grievances
3. Collective grievances and negotiation of collective grievances
4. Gender-based violence, sexual exploitation and workplace sexual harassment

9.1 - Disciplinary Procedure

The starting point for all disciplinary action is rules. These rules may be implied or explicit and of course will vary from workplace to workplace. Some rules are implied in the contract of employment (e.g. rule against stealing from the employer), however it is advisable that even implied rules be included in the disciplinary code or schedule of offences. In an organized workplace these rules ideally are negotiated with the trade union and are often included in the Recognition Agreements signed by the employer and trade union. These workplace rules must be:

- a. Valid or reasonable;
- b. Clear and unambiguous;
- c. The employee is aware, or could reasonably be aware of the rule or standard; and
- d. The procedure to be applied in the event the employee contravenes any of these rules

LGED will establish a fair and effective disciplinary procedure in the workplace, which should be fair and just. The procedure is as follows: -

- a. Conduct an investigation to determine whether there are grounds for a hearing to be held;
- b. If a hearing is to be held, the employer is to notify the employee of the allegations using a form and language that the employee can understand;
- c. The employee is to be given reasonable time to prepare for the hearing and to be represented by a fellow employee or a union representative;
- d. The employee must be given an opportunity to respond to the allegations, question the witnesses of the employer and to lead witnesses;
- e. If an employee fails to attend the hearing the employer may proceed with the hearing in the absence of the employee;
- f. The hearing must be held and concluded within a reasonable time and is to be chaired by an impartial representative.

If an employee is dismissed, it must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal. Therefore, it is incumbent upon the Contractors to ensure that they have a disciplinary procedure and Code and standards which the employees are aware of. Each contractor will be required to produce this procedure to ensure that employees are not treated unfairly.

9.2 - Individual Grievance Procedure

Every employer, including contractors, to have a *Formal Grievance Procedure* which should be known and explained to the employee.

The Code recommends that such procedure should at least:

- a. Specify to whom the employee should lodge the grievance;
- b. Refer to time frames in the Labour Management Plan to allow the grievance to be dealt with expeditiously;
- c. Allow the person to refer the grievance to a more senior level within the organization, if it is not resolved at the lowest level;
- d. If a grievance is not resolved the employee has the right to lodge a dispute with the LGED.

All the contractors who will be engaged for the project will be required to produce their grievance procedure as a requirement for tender which at a minimum comply with these requirements. In addition, good international practice recommends that the procedures be transparent, is confidential, adheres to non-retribution practices and includes right to representation. After they are engaged they will be required to produce proof that each employee has been inducted and signed that they have been inducted on the procedure.

9.3 - Collective Grievances and Disputes resulting from the negotiations of Collective agreements

Where a trade union is recognized, it is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace and the employer is obliged to negotiate with it. The procedures followed in such instances is usually contained in the agreement, which state how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation and the procedure to deal issues that are not resolved through consensus. In the type of disputes, if the dispute is not resolved at the workplace, the parties to the dispute can utilize the dispute resolutions mechanisms provided for in the labour legislation.

9.4 - Gender-based Violence, Sexual Exploitation and Workplace Sexual Harassment

LGED will, with support from consultants, identify institutions and services provides who are actively engaged in prevention of gender-based violence, sexual exploitation and workplace sexual harassment in order to establish a manual for referencing any potential survivors. LGED, the project unit and the contractor is not equipped to handle complaints or provide relevant services to survivors, but will reference any person to relevant service providers, including health facilities, law enforcement's gender unit or others, as relevant using the information on available services. Grievances related to gender-based violence be reported through the project/contractor, the nature of the complaint will be recorded along with the age of the complainant and relation to the project will be recorded but the issue will be referenced to relevant institutions.

In addition, the ESIA may identify additional mitigation measures related to gender and such measures will be reflected in site specific ESMPs, including the contractors ESMP or contractors specific Labour Management Plans, where required. This will include engagement with communities on gender related risks, grievance and response measures available, as identified in the manual.

10. CONTRACTOR MANAGEMENT

WeCARE-LGED requires that contractors monitor, keep records and report on terms and conditions related to labour management. The contractor must provide workers with evidence of all payments made, including social security benefits, pension contributions or other entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time or temporarily. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to LGED and the World Bank:

- a. **Labour conditions:** records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements;
- b. **Safety:** recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth).
- c. **Workers:** number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child labour is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- d. **Training/ induction:** dates, number of trainees, and topics.
- e. **Details of any security risks:** details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project.
- f. **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken—grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

The Project's oversight of contractors is set out in section 5 of this LMP. The following procedures are currently in place for LGED contractor management, but have been adjusted to adhere to LMP provisions:

1. Ensure that Contractors have valid contracts with clearly define service level agreement in accordance with the national law and all environmental and social clauses, as applicable: Project Management Office, and reviewed by WeCARE-LGED
2. Contractor induction to WeCARE-LGED standards and LMP: Project Management Unit, attended by WeCARE-LGED team
3. Monthly submission of records: Contractor submission to Project Management Unit,
4. Monthly site visits (at a minimum) and reports: Project Management Unit, and other Officers
5. Evaluation of contractor requirements. This includes training, OH&S files, certifications and other. The evaluation results in Portfolio Reports which includes recommendations for contract extension or termination

6. Training needs identification recorded in Contractor Training Schedule
7. Annual Contractor Management Plans submitted

11. COMMUNITY WORKERS

(There will be no provision for Community Workers.)

12. PRIMARY SUPPLY WORKERS

The risk associated with primary supply associated with the Project is assessed below. All primary suppliers are formal businesses who are required to procure and produce materials subject to high standards. Any new supplier is vetted using a different form which screens the supplier in regard to compliance with taxes, certification, licensing, and workmen's compensation.

A separate form requires that the primary supplier identify the company's permanent staff, and declare any current or prior arbitrations as well as any criminal convictions. Registered suppliers are subject to regular review. The review is carried out twice annually and requires an Officer to visit the supplier's premises. The supplier evaluation form provides for the Commercial Services to report any labour irregularity if observed.

WeCARE-LGED will also ensure, that any primary supplier to the project report fatalities or serious injury, and informs government authorities in accordance with national reporting requirements.

Annex 1
(WRITTEN PARTICULARS OF EMPLOYMENT)

1. Name of Employer
2. Name of Employee
3. Date Employment began
4. Wage and Method of Calculation
5. Interval at which wages are paid
6. Normal Hours of work
7. Short description of employee's work
8. Probation Period
9. Annual Holiday Entitlement
10. Paid Public Holiday
11. Payment during sickness
12. Maternity Leave (if employee female)
13. Nursing Break Entitlement (for female employee)
14. Notice employee entitled to receive
15. Notice employer required to give
16. Pension Schedule, Provident Fund Gratuity Schedule etc.
17. Any other matter either party wishes to include

Notes:

(a) An employee is free to join a trade union or staff association, which is recognized by the undertaking. The address of the Trade Union or Staff Association is:

(b) The grievance procedure and disciplinary procedure in this undertaking requires to be followed when a grievance arises or disciplinary action that needs to be taken.....

(c) When any heading is inapplicable enter NIL.

.....
Employer's signature

.....
Witness

Employee's signature
.....

Witness
.....

Date

Date

Annex 2

Due Diligence for Social and Environmental Mitigation Measures in Contracts

<i>Stage of Contractual Process</i>	<i>Due Diligence</i>
Before bidding	• Ensure that the terms of reference clearly define the supervision engineer's responsibilities regarding oversight of, and reporting on, labour influx and workers' camps. For high risk projects, have independent safeguards supervision. • Ensure the team skills in the terms of reference clearly include key staff qualified and experienced in managing similar projects, and demonstrated capacity to manage social and environmental issues, including issues pertaining to community health and safety. • Ensure that the project GRM is established and its use is widely publicized.
Preparation of bidding documents	• Review contract conditions included in bidding documents to: (i) Ensure that the relevant mitigation measures in the ESMP are reflected and budgeted in the contract, (ii) Ensure the ESMP forms part of, and is explicitly referred to in the bidding documents. (iii) Identify relevant provisions (workers, camps, child and forced labour, safety, grievance redress, etc.) regulating the contractor's responsibility and identify any gaps, inconsistencies or areas of concern that could be addressed through additional provisions in the "particular conditions of contract" and/or technical specifications (iv) Include a requirement that all workers sign 'Codes of Conduct' governing behavior, and identifying sanctions (v) Clearly identify that training programs on implementing the Codes of Conduct, etc. will be undertaken by external providers • Ensure the contract conditions clearly specify what type of penalty the contractor will face if the provisions of the ESMP and CESMP are not adhered to—including by sub-contractors. This may include direct incentives to contractors in the form of penalties for poor performance on social and environmental matters or specific Performance Securities for ESMP and CESMP compliance. • Ensure bidding documents make clear the responsibilities of the contractor to prepare and adhere to a CESMP based on the ESMP and that no civil works will commence until the CESMP has been approved by the supervision engineer.

	• Ensure the bidding documents detail how the contractor and supervision engineer will be required to monitor and report on the impacts on the local community, issues related to labour influx and workers' camps. • Propose Key Performance Indicators (KPIs) for Contract Management, reflecting issues and risks specific to the contract and the monitoring plan.
Bidding evaluation	• Review the Borrower's bid evaluation report and request to review the bids where appropriate, to verify for the recommended bidder that documents related to the ESMP, safeguard implementation capacity, and other obligations of the contractor required to be submitted with the bid are sufficiently detailed and cover the contractual requirements. • Require the contractor's representative or dedicated community liaison staff to have the ability to communicate in the language of the Borrower and/or the local language. • Verify that the contract management framework identifies clearly lines of communication and that these are formalized and a consistent record is provided. • Ensure that the contractor meets the project's OHS requirements for capability and experience.
After contract signing	• Prior to commencing works, the contractor submits site-specific CESMP(s) based on the ESMP, which includes specific management plans for: (i) work activities; (ii) traffic management; (iii) occupational health and safety; (iv) environmental management; (v) social management; and (vi) labour influx. • Supervision engineer reviews and approves the CESMP—with inputs from appropriate Government agencies—before any works start. For high risk projects, the Bank should also review and clear the CESMP. Borrower should disclose the approved CESMP.

Annex 3

Code of Conduct

Preamble

The We-CARE-LGED Code of Conduct defines labour standards that aim to achieve decent and humane working conditions. The Code's standards are based on national law and accepted good labour practices.

Companies affiliated with the WeCARE-LGED are expected to comply with all relevant and applicable laws and regulations of the country in which workers are employed and to implement the Workplace Code in their applicable facilities. When differences or conflicts in standards arise, affiliated companies are expected to apply the highest standard.

The WeCARE-LGED monitors compliance with the Workplace Code by carefully examining adherence to the Compliance Benchmarks and the Principles of Monitoring. The Compliance Benchmarks identify specific requirements for meeting each Code standard, while the Principles of Monitoring guide the assessment of compliance. The WeCARE-LGED expects affiliated companies to make improvements when Code standards are not met and to develop sustainable mechanisms to ensure ongoing compliance.

The WeCARE-LGED provides a model of collaboration, accountability, and transparency and serves as a catalyst for positive change in workplace conditions. As an organization that promotes continuous improvement, the WeCARE-LGED strives to be a global leader in establishing best practices for respectful and ethical treatment of workers, and in promoting sustainable conditions through which workers earn fair wages in safe and healthy workplaces.

Employment Relationship

Employers shall adopt and adhere to rules and conditions of employment that respect workers and, at a minimum, safeguard their rights under national and international labour and social security laws and regulations.

Non-discrimination

No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.

Harassment or Abuse

Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.

Forced Labour

There shall be no use of forced labour, including bonded labour or other forms of forced labour.

Child Labour

No person shall be employed under the age of 14 or under the age for completion of compulsory education, whichever is higher.

Freedom of Association and Collective Bargaining

Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.

Health, Safety and Environment

Employers shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt responsible measures to mitigate negative impacts that the workplace has on the environment.

Hours of Work

Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country. The regular work week shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest in every seven-day period. All overtime work shall be consensual. Employers shall not request overtime on a regular basis and shall compensate all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 60 hours.

Compensation

Every worker has a right to compensation for a regular work week that is sufficient to meet the worker's basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers' basic needs and provide some discretionary income, each employer shall work with the We-CARE-LGED to take appropriate actions that seek to progressively realize a level of compensation that does.