

**Resilient Infrastructure for Adaptation and Vulnerability Reduction (RIVER)**

# **LABOR MANAGEMENT PROCEDURE (LMP)**

**Local Government Engineering Department (LGED)**

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## Executive Summary

This Labor Management Procedure (LMP) has been prepared for Resilient Infrastructure for Adaptation and Vulnerability Reduction (RIVER) project in accordance with national Labor Law, World Bank Environmental and Social Standard 2 (Labor and Working Condition) and the Guidance Note on ESS2. This document is prepared in coordination with Local Government Engineering Department (LGED) with the objective to facilitate planning and implementation of labor issues associated with the project. The LMP assesses the potential risks and impacts of assignment of labor for the implementation of the project activities by the Implementing Agency and addresses them through mitigation measures in line with ESSs and Bangladesh Labor Laws, policies and provisions.

Various types of workers (Direct and Contracted), their estimated numbers, characteristics etc., as well as key potential environmental and social risks—such as unscrupulous labor practices, Occupational Health and Safety (OHS) issues, community risks, exclusion of the disadvantaged and the vulnerable from project benefit and engagement, exploitation of child/ forced/trafficked labor/beneficiaries as well potential health and safety issues while working under COVID-19 pandemic situation, have been assessed and presented in this LMP. Given the size of the project, the potential Environmental and Social (ES) risks and impacts, the capacity of the implementing agencies to manage and mitigate the ES risks and the context under which the project is being implemented, the ES assessment has determined the overall ES risk to be Moderate for this project. Provisions of ESSs, Labor Act 2006 (including Amendments of 2013 and 2018), National Child Labor Elimination Policy 2010. Governmental and WHO guidelines for COVID-19 etc., have been thoroughly studied and cited to meet their requirement and obligations. Major points of consideration that include Conditions of Employment, OHS, and Child/Forced Labor etc. have also been referred to as guidelines. Terms and conditions of employment, need for signing Code of Conduct, training modalities and OHS issues have been discussed in details in the LMP. Management of Contractor who will implement the civil works and employ labor will be the responsibility of the Client and will coordinate and administer the same through bidding process that reflect the requirement of LMP and other need as stipulated in Bangladesh Labor law and ESS2.

Potential labor influx is assessed to be small though it may induce significant risks of labor related gender-based violence (GBV) including sexual exploitation and abuse and sexual harassment (SEA/SH). A Grievance Redress Mechanism (GRM) for workers has been developed with this LMP so that any potential dissatisfaction or concern can be raised by anyone employed by the IA/PIU, consultants and contractors. Project GRM will also be specially oriented for attending any SEA/SH related complaints. The mechanism included Disciplinary Procedure, Individual Grievance Procedure, Collective Grievance Procedure, Gender-based Violence, and Workplace Sexual (and other) Harassments.

## 1 INTRODUCTION

The Labor Management Procedure (LMP) for the RIVER Project has been prepared in accordance with national Labor Law, World Bank Environmental and Social Standard 2 (Labor and Working Condition) and the Guidance Note on ESS2. The purpose of the LMP is to facilitate planning and implementation of labor issues associated with the project. It identifies the main labor requirements and risks associated with the project and help the Borrower to determine the resources necessary to address project labor issues.

The project will involve both direct workers (consultants and staffs appointed from the Project Implementation Unit (PIU)), and contracted workers. The LMP covers the direct and contracted to be engaged in the Project. Adhering to these procedures, engaged contractors will be required to prepare a Labor Management Plan for contracts with major construction activities.

## 2 OVERVIEW OF THE PROJECT WORKERS

The LMP applies for 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 the project
- ii. People employed or engaged by contractors to perform work related to the core function of the project, regardless of location

It is to be noted that the individuals working for the project and who are also civil servants will be governed by the laws and regulations of their civil servant contract. ESS2 will not be applicable for these people except for the child labor, forced labor and Occupational Health and Safety (OHS) issues.

### 2.1 Labor Requirement

RIVER's various subprojects (construction of flood shelters, raising of schoolyard, road rehabilitation, repair and refurbishment of public infrastructure/facilities etc) will be executed in fourteen districts of the country the specific locations of which are yet to be confirmed. For implementing each subproject direct and contracted workers will be required. The estimation of exact labor requirement is not possible at this time. Most of the labors will be locally recruited except few technical manpower which are unavailable locally. Female labors will also be employed dependent upon availability and inherent job requirement. The table-1 below, the employment figures are appended as an example of extent of labor requirements of the RIVER project components to be implemented by the Implementing Agency (LGED).

**Table 1: Estimated Labor Requirements for this Project**

Sl.	Interventions	Skilled Labor	Unskilled Labor
<b>Direct Labor</b>			
1.	Project Implementation Unit (PIU) Consultants and Staffs (including those deployed in the field)	10	
2.	Engineers and technical experts for development of various infrastructures and civil works	10	
3.	Consultants and experts to develop various early warning, awareness raising and digital services	20	
4.	Other Consultants and Support Staffs	20	
<b>Contracted Labor</b>			
5.	Civil Construction Supervisor	10	
6.	Construction Workers (including Contractors' driver, porters, helpers etc)	20	200
7.	M&E Staff of Contractors	10	
8.	Other Staff of Contractors	10	30
<b>Primary Supply Workers</b> Given the small to medium sized construction work, primary supply workers are not envisaged <b>Community Labor.</b> The Project is not likely to use Community Labor.			

*Note: These are estimates only. These numbers will be updated after the designs of these interventions are available*

## 2.2 Assessment of Key Potential Labor Risks

The main labor risks associated with the project are assessed to be related to the potentially hazardous work environment, associated risk of accidents, OHS issues, child and forced labor and community health and safety (including SEA/SH) issues associated with use of labor.

**Labor Influx:** It is expected that the project will use local labor but due to the nature of interventions some outside labor will be required, though the number will be minimal. However, the risk associated with the labor presence in the community may increase SEA/SH risks in the locality, pressure on commodities, change of social dynamics etc. Further, these labors will also work under COVID-19 situation and hence need to take precaution on the same. These procedures are guided by national legislation, World Bank's ESS2, ESS2 Guidance Note, and the World Bank's interim note on "COVID-19 Considerations in Construction/Civil Works Projects". The Contractor will be required to write, adopt, and implement a written Labor Management Plan as part of the bidding document and contract before employing any labor in the work. For addressing the likelihood of labor induced SEA/SH—signing of Code of Conduct, SEA/SH training of the labors, disciplinary procedure will be established by the Contractor, mandated by bidding document. Furthermore, in case of likelihood that workers will come in to contact with small ethnic communities, a risk assessment must be done so that no risk and impact due to the possible contact materialize, including SEA/SH and interactions which are culturally sensitive.

**Child Labor:** As per the Labor Act 2006 and ESS 2, no one below the age of 14 (minimum age) will be employed as a labor. A child over the minimum age (14) and under the age of 18 may be employed or engaged in connection with the project only if the work is not likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development; an appropriate risk assessment is conducted prior to the work commencing; and the borrower conducts regular monitoring of health, working conditions, hours of work and the other requirement of ESS2. However, employing anyone below the age 18 will be not be allowed in RIVER project. Age of workers will be verified by ID cards and medical tests, if required.

**Forced Labor:** Forced employment of laborers is a serious offence and must be prohibited. Sudden and random inspection by the PIU to be done on a regular basis to ensure compliance.

**Occupational Health and Safety (OHS):** Given the nature of project interventions, project workers may be subject to some OHS concerns during civil/construction work, including, fall and struck by machines, spread of disease due to close interaction, fire and electrocution, traffic incidence etc. To address issues of OHS the bidding document and the contract agreement will stipulate measures so that Contractors ensure a safe working environment by providing training on safety, correct use of equipment, machine and equipment inspection, regular and informal toolbox talks, crisis management protocol, monitoring of working conditions, supply of PPE etc. Construction related OHS guidelines (for example ILO OSH 2001 - Guidelines on occupational safety and health management systems, ILO Code of Practice Safety and Health in Construction 1991) may be referred to plan OHS management and implementation.

**Unscrupulous Labor Practices.** Workers may be selected not basing on inherent job requirement, women may be left out of employment opportunities, pay differentials and scope of advancement may be skewed to workers favored by the employers/contractors. Noncompliance with labor law may generate unhealthy working relation and condition. Contract bidding document and agreement will require following the provisions of labor law (especially Act 345, equal wage for equal work) and equal opportunity for all applicants, including women and persons with disability.

### 2.3 Labor Risk and Impact Mitigation

Table 2 below presents a plan to be adopted in the management of labor risks and impacts for the project. The PIU and the Contractor's company/management will be responsible for making provisions to ensure implementation of the LMP and develop corrective action for any default and administer appropriate sanctions. The PIU will also monitor contractor's compliance to the LMP.

**Table 2: Risks and Impact Mitigation**

Category	Worker Impact/Risk	Project Impact/Risk	Mitigation Measures	Monitoring Frequency	Responsibility
Recruitment and Selection	Perception of unfair recruitment and selection practices.	Productivity may be affected, and non-compliance issues may arise, use of child and forced labor may occur	<p>Human resource policy and /or procedures that cover recruitment and selection processes will be followed, including at least:</p> <ul style="list-style-type: none"> <li>• Selection criteria of each position</li> <li>• Method of recruitment</li> <li>• Places of recruitment</li> <li>• Transparency clauses</li> <li>• Equal opportunity for women and persons with disability</li> <li>• Ban on child labor and forced labor. Employment of anyone below 18 will be prohibited.</li> </ul>	Quarterly	Implementing Agency/PIU and Contractors
Conditions of employment	Perceptions that wages, salaries and benefits are poor or that foreigners are treated better and receive better conditions of employment.	Project action, work stoppages, absenteeism etc.	<ul style="list-style-type: none"> <li>• A contract will be developed before hiring where everything will be mentioned</li> <li>• Equal pay for equal work will be ensured</li> <li>• Process for pay increases</li> <li>• Work band and parallel pay scale will be available</li> </ul>	Quarterly	Implementing Agency/PIU and Contractors
Worker accommodation building specifications (camps)	Accommodation is considered sub-standard which leads to discontent amongst the residents and concerns about perceived health risks.	Workers have low morale and perceive the authorities do not care about their welfare, which in turn affects motivation and productivity.	<ul style="list-style-type: none"> <li>• Good quality labor camps will be set up with all facilities</li> <li>• Minimum health care will be provided at the labor camp</li> <li>• Emergency response plans and Security Management Plan will be developed</li> <li>• Provision of maintaining COVID protocols</li> </ul>	Quarterly	Contractor

Category	Worker Impact/Risk	Project Impact/Risk	Mitigation Measures	Monitoring Frequency	Responsibility
Working Condition, OHS	Working condition is not safe, Equipment breaks down affecting working condition, safety gear not provided, OHS training not provided, Incidence response mechanism not developed	Worker health, safety and general welfare are affected, which in turn could affect the motivation and productivity of workers.	<p>Following measures will be implemented:</p> <ul style="list-style-type: none"> <li>• Provision of OHS training to all workers</li> <li>• Continuous checking and maintain all machinery and equipment</li> <li>• Provision of safety gear to all workers for free</li> <li>• Assign an OHS focal point to monitor and report incidence</li> <li>• Develop an emergency procedure detailing steps to be taken in emergency</li> <li>• Encourage workers to report any violation of safety code, broken machinery, unsafe working condition</li> <li>• Establish informal Toolbox Talk culture to discuss safety issue</li> <li>• Emergency evacuation plan and medical kit availability</li> <li>• Ensure Contractors are aware of international OHS standards (for example ILO OSH 2001 - Guidelines on occupational safety and health management systems, ILO Code of Practice Safety and Health in Construction 1991) and follow the principles</li> </ul>	Monthly	Contractor



Category	Worker Impact/Risk	Project Impact/Risk	Mitigation Measures	Monitoring Frequency	Responsibility
SEA/SH	Likelihood of labor induced SEA/SH may create unwanted social issues, women may be discouraged to work, goes against the acceptable behaviour from workers in WB project	Project may cease to progress Legal implications Social complications Obstructions to safety and security of the project	<p>The following measures will be taken:</p> <ul style="list-style-type: none"> <li>• Training on SEA/SH to all workers including consequence due to non-compliance</li> <li>• Signing of Code of Conduct</li> <li>• Separate rest area and washroom for males and females</li> <li>• Grievance redress system and channel</li> <li>• Assignment of a female staff as a SEA/SH focal point</li> <li>• Continuous monitoring of workers behaviour and conduct</li> <li>• Special emphasis of culturally appropriate behaviours if workers come in to contact with small ethnic communities</li> </ul>	Monthly	Contractor

### **3 LEGAL AND REGULATORY REQUIREMENTS**

Various National laws, policies, systems, standards and international good practice codes are applicable to the implementation of this Plan. Such requirements are outlined in the following sections.

#### **3.1 Bangladesh Labor Act/Rules**

Labor relation in Bangladesh is governed Bangladesh Labor Act of 2006 (Amended in 2013) and Labor Rules of 2015. The amendments to the 2006 Labor Act make it more in line with the International Labor Standards. The new labor law has 87 sections of amendments to strengthen workers' rights, including better protections related to freedom of association (i.e., to form trade unions), and improving occupational health and safety conditions.

#### **3.2 Bangladesh Labor Act, 2006**

Bangladesh Labor Act, 2006 deals with the employment of labor, relations between workers and employers, determination of minimum wages, payment of wages and compensation for injuries to workers, formation of trade unions, raising and settlement of industrial disputes, health, safety, welfare and working conditions of workers, and apprenticeship and matters ancillary thereto.

In 2009, the Government of Bangladesh initiated a process to amend the Bangladesh Labor Act, 2006 following the demands mainly from the labor unions to make it consistent in the line of the ILO Conventions, which are ratified by Bangladesh. The labor unions particularly demanded that workers must be allowed to exercise their rights to organize themselves and collectively bargain in the line of the ILO Conventions 87 and 98.

#### **3.3 Amendment in Bangladesh Labor Act (BLA), 2006**

A proposal of the Ministry of Labor and Employment to amend the BLA was approved by the Cabinet on 13 May 2013. The amendment proposal of the BLA 2006 will ensure workers' welfare, rights and safety; industrial safety and expansion of the industry; transparency in Trade Union registration and wage payment system; and promoting trade unionism and collective bargaining. The amendment will make the BLA, 2006 more in conformity with the international labor standards. It is the hope of the Government that this amended law will improve the working conditions at enterprise level through social dialogue and better understanding among the workers and employers. Under the amendment proposal, 76 articles (out of 354 articles of the BLA, 2006) are amended and 7 new articles are included. Some of the key features of amendments are:

- Employment through Outsourcing Company
- Bar in engaging temporary worker in permanent work
- Gratuity to Workers
- Formation of Trade Unions
- Participation Committee
- Welfare Board and Welfare Fund
- Workers' Safety
- Safety Committees
- Group insurance
- Health Centre(s)/Clinic

### 3.4 Bangladesh Labor Act and the Labor Rules of 2015

The Bangladesh Labor Act and the Labor Rules of 2015 (made under the Act) are generally consistent with ILO's core conventions ratified by Bangladesh. Some key points of the Labor Rules 2015 are:

**Employment Policy/Service Rules:** If any establishment wants to have its own Employment Policy/Service Rules, it must obtain approval from the Chief Inspector of Labor.

**Registration of Manpower supply agency:** The Rules prescribed the process and forms for the registration of manpower supply agencies under the Labor Act. Some new conditions are also imposed on the manpower supply agencies.

**Establishment Organogram:** Every owner of an establishment must prepare an organogram for the establishment and must obtain the approval of Chief Inspector of Labor for such organogram.

**Appointment Letter:** Under the Labor Act, an appointment letter must be issued for hiring any labor. The Labor Rules makes it mandatory that the appointment letter must contain certain information such as salary, other financial benefits, applicable rules etc.

**Various Register:** The Labor Rules prescribe certain forms for various register such as service book, labor register, leave register, etc.

**Misconduct and punishment:** The Rules prescribe the process for investigation of misconduct.

**Two festival bonuses:** The Rules makes it mandatory that a labor, who continuously works for a year, must receive two festival bonuses in every year. Each bonus shall not be more than a basic salary.

**Provident fund elaborated:** The Rules provide detailed guidelines regarding provident fund. New additions include provisions related to selection of nominee, management of the fund, activities of the trust for managing provident fund.

**Holiday:** The Rules detailed the provisions related to holidays. It also clarifies the provisions related to compensatory weekly holiday.

**Health and fire safety:** The Rules provide a detail guideline on health and fire safety.

**Wages:** The Rules details the provisions related to wages. Clarification is provided for the mechanism of calculating wages for fraction of month and deduction from wages.

**Prescribe form for filling case in Labor Court:** The Rules introduces some prescribe form for filling cases in the Labor Court.

### 3.5 The World Bank Environmental and Social Standards: ESS 2

ESS 2 recognizes the importance of labor employment, maintenance of a good and safe working condition, good labor practices following international good practices. Borrowers can 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. The objectives of ESS2 are as follows:

- To promote safety and health at work
- To promote the fair treatment, non-discrimination and equal opportunity of project workers
- To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS), as appropriate
- To prevent the use of all forms of forced Labor and child Labor.
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law
- To provide project workers with accessible means to raise workplace concerns

#### 4 OVERVIEW OF THE LABOR LEGISLATION

Terms and Conditions of employment is guided by The Bangladesh Labor Act, 2006 and Amendment 2013 that illustrate the basic conditions of employment which are materially consistent with ESS 2. The Act makes it mandatory for employers to furnish employees with written particulars of employment stating, hours of work, wages, leave entitlements, job description, grievance procedure, benefits if any etc. This Act also contains:

- Contracts of employment
- Leave entitlements, i.e. annual leave, sick leave, maternity leave and compassionate leave
- The protection of wages (prohibition against unlawful deductions)
- Retrenchment procedures
- Fair and unfair reasons for termination of employment
- Grievance mechanism

#### 5 OVERVIEW OF OCCUPATIONAL HEALTH AND SAFETY

As per ESF, the management of labor occupational health and safety is covered under ESS2. Typically, OHS measures extend to the general public at construction sites as well. OHS measures ensure that the project workers will work under a condition that will ensure safety from harm, the machines and equipment are in safe and working conditions, provisions of training of workers, monitoring of workplace incidence, emergency reporting and management system etc.

Chapter 6 of The Bangladesh Labor Act 2006 (Safety) specifically details the safety and working condition of the assigned workers. The salient aspects that this chapter illustrates are:

- **Safety of building and machinery.** It details with the inspection requirement of these installations and actions to be taken if these are found unsafe for workers.
- **Fencing of machinery, machinery in motion, automatic machines.** Details the fencing and safety requirement to be set around dangerous machinery.
- **Floors, Stairs and Passages.** Sets out the construction and setup requirement for safe access and ease of use.
- **Excessive weights.** Illustrates that no excessive weights to be lifted by any worker.
- **Dangerous fumes and explosive and flammable gas.** Details courses of action in case dangerous and explosive gases and fumes are in work area.
- **Personal protective equipment (PPE).** Makes it mandatory to supply workers with quality PPE including helmet, gloves, boot, etc. This is essential given the COVID-19 outbreak.

Chapter 7 of the same Act (**Special Provision Relating to Health, Hygiene and Safety**) details:

- **Dangerous operations.** All potentially dangerous operations to be declared and women and children to be barred from such operations.
- **Notice on accident.** Makes it mandatory to report any accident in workplace.
- **Notice on diseases.** If any worker is infected with any disease listed in the Second Schedule of the Act, it is mandatory to notify and the employer is obligated to treat the worker.
- **Restriction to Employ Women Worker.** Lists specific assignments where women may not be employed.
- **First Aid.** The Labor Act enacts First Aid appliances to be strictly maintained and provided as to be readily accessible during working hours.

**Communicable Diseases (Prevention, Control and Eradication) Act 2018.** The Act was passed in 2018 and the objective is to protect the people from the national and international spread of infectious diseases, to prevent, control and eradicate such diseases, to issue global alerts and to increase mutual support for the outbreak of the disease, to increase the capacity for precise risk management and to spread related education, to review the progress of diseases, to protect rights including systematic loss. This is more important given the COVID-19 situation that the workers are likely to work under.

## 6 BANGLADESH LABOR LAW AND ESS2

The following table illustrates the differences between the Bangladesh labor law and the ESS2.

**Table 3. Bangladesh Labor Law/Act vis a vis key elements of the ESS2**

Key Elements of ESS2	Provisions in the Labour Act	Gap Filling Measure
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 <sup>th</sup> 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.	Employer to provide written agreement of contract including various conditions of contract (leave, payment etc)
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 one below 18 will be employed and age will be verified through medical tests and ID check
Protection of Workers		

OHS	The law provides for comprehensive OHS and empowers DIFE to conduct inspections of establishments and to impose penalties for violations or non-compliance.	Training on OHS and provision of PPE and medical emergency plan will be required
Children at Working Age	Children (14 - 18) shall be assigned only light work and not be assigned to hazardous tasks.	Mentioned above
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.	Recruitment practices will be developed basing on inherent job requirement
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.
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	<p>Employees can seek direct civil law redress from the Labour Courts for complaints regarding terms and conditions employment and wages.</p> <p>While health and safety, maternity welfare and child labour offences are subject to criminal prosecution.</p> <p>In general, there is institutional GRM for labor in Bangladesh as per the standards/provisions of the Bank's ESS2.</p>	The LMP incorporated necessary provisions and actions.

## 7 RESPONSIBILITIES

The overview of responsible staff and oversight mechanisms has been 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.

A Project Implementation Unit (PIU) with a Project Director (PD) will be set up for overall project implementation. The Project Director (PD) has the overall responsibility to oversee all aspects of the implementation of the LMP, in particular to ensure Contractor compliance. The Contractor is subsequently responsible for management in accordance with contract specific Labor Management Plans, implementation of which will be supervised by the PIU on a regular basis as defined by specific Plans. The detailed approach is described in the following sections.

**Occupational Health and Safety.** Given the nature of civil work, the workers may subject to various construction related incidence including fire, electrocution, stuck by machines, fall, lack of PPE, lack of OHS related training etc. A risk hazard assessment must be carried out before commencing work, following the law of proportionality, by the Contractor. 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 shall be reported to respective PIU on a monthly basis, serious incidents shall be reported immediately. Minor incidents will be reflected in the quarterly reports to the World Bank, major issues will be flagged to the World Bank immediately. The reporting criteria will follow ESCP guideline (notice within 24 hours of occurring) and the Contractor will carryout a Root Cause Analysis (RCA) as well as develop and implement a Safeguard Corrective Action Plan (SCAP) with the assistance of the PIU. The Contractor is required to follow international best practices on OHS (for example ILO OSH 2001 - Guidelines on occupational safety and health management systems, ILO Code of Practice Safety and Health in Construction 1991)

**Labor and Working Conditions.** Contractors will keep records of recruitment/employment, wages, leave, incidence etc in accordance with specifications set out in Bangladesh Labor Law (especially Acts 5,6,7,10, 16, 20, 22, 26, 33). The PIU may at any time require records to ensure that labor conditions are met. The PIU 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.** Contractors will be required to present a worker grievance redress mechanism (GRM) which responds to the minimum requirements in this LMP. The grievances procedure will address any grievances affecting the labor including (but not limited to):

- Unscrupulous hiring practices
- Discrimination against female labors
- Engagement of child and forced labor
- Non availability of contract documents
- Unsafe working conditions
- Lack of equipment and correct machinery
- Lack of rest and sleep
- Unavailability of PPE and first aids
- Lack of training and communication

The PIU's Social focal point will review records on a monthly basis. Where worker concerns are not resolved, the PIU will keep abreast of the issue and reflect it in quarterly reports to the World Bank. Given the anticipated number of the project workers the labor GRM will be a separate undertaking apart from the Project level GRM, though personnel in the committees (GRC) on both the GRMs may have overlapping functions. Reporting Channels for the GRMs may also be same.

**Additional Training.** Contractors are required to, at all times, have a qualified safety officer on board. If OHS and other training is required, this will be the contractor's responsibility. The safety officer will provide instructions to contractor staff. PIU will ensure for training to address risks associated with labor and will ensure contractors adequately provide trainings to their workers.

**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., labor standards,



SEA/SH etc.). This, in addition to project's Communication Strategy, will ensure effective and efficient participation of different stakeholders of the project.

## **8 POLICIES AND PROCEDURES**

Under no circumstances the project will engage forced or child labor. Forced labor includes bonded labor (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. Further, employment of anyone below 18 years of age will not be allowed. Ban on use of forced labor and child labor will be set in conditions of employment. Forced labor will be monitored by the PIU on a continuous basis. Age verification of workers will be done through check of ID cards and medical tests, if required.

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. PIU 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. PIU will enforce compliance by contractors with these clauses.

### **8.1 Labor Recruitments, Conditions of Employment and Occupational Health and Safety**

This section outlines main policies and procedures to be followed during the implementation of the project and will be updated and amended as needed, after contracts have been awarded. Bangladesh has in place the Bangladesh Labor Act 2006 and Amendment 2013, National Occupational Health and Safety Policy 2013 and Communicable Diseases (Prevention, Control and Eradication) Act 2018 that illustrate rights and responsibilities of employers and workers, conditions of employment, child and force labor issues, OHS requirements, requirement related to communicable disease such as COVID-19 etc. The principles and procedures presented below represent minimum requirements but are not an exhaustive list of requirements.

As specified in the Labor Act and ESS 2 of WB ESF, the employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, such as recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures will be developed by the contractors and monitored by PIU to ensure fair treatment of all employees:

- As per Labor Law requirements, recruitment procedures will be transparent, public and non-discriminatory with respect to ethnicity, religion, disability, gender, and other grounds included in the Labor Law and Acts
- Applications for employment will be considered in accordance with the application procedures established by the Contractor
- Labor will be preferentially recruited from the local areas



- The contracted workers will not pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Contractor
- The labor contracts will be developed in *Bangla* so as to be understandable by all workers
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulties with understanding the documentation
- While communicating with women workers, it is to be ensured that they understand their rights and process of raising issues and grievances related to their employment
- PIU will include in contracts that no forced or child labor would be allowed.

The health and safety procedure illustrated in the Labor Acts, WB Environmental and Health Safety Guidelines (EHSG), (General including Construction and Decommissioning), ESS 2, Communicable Diseases (Prevention, Control and Eradication) Act 2018 as well as guidelines to address COVID-19 issues will be referenced all activities under the Project. The PIU is expected to carry out field visits and inspections of the construction from time to time. However, the WBG's EHSG (General Guidelines and for Construction and Decommissioning) may not have sufficient details and specific requirements to deal with various occupational health and safety issues posed by the project, thus the PIU should put in place specific standards meeting Good International and Industry Practices (GIIP) in the bidding documents and contracts reflecting appropriate level of risk. The ILO's OSH 2001 - Guidelines on occupational safety and health management systems, ILO Code of Practice Safety and Health in Construction 1991 may be used as a reference.

PIU will include into the bidding documents specific OHS standard requirements that all contractors will meet under this project. The standards will be consistent with local regulations, WBG EHS guidelines, COVID-19 Protocols and GIIP. The following OHS standard requirements should be borne in mind:

- Risk Assessment Procedure;
- Work permitting for hazardous work (working at heights, hot work, work on energized lines, work within confined spaces);
- Rules for life threatening works;
- Emergency response procedure;
- Fall prevention and working at heights;
- Excavation safety, ladders and scaffolding safety; welding and cutting safety; Cranes, Derricks, and forklifts safety; power and hand tools safety;
- Respiratory prevention to chemical and airborne hazards (including dust, silica and asbestos); Electrical safety (hazardous energies control, safe distance work, wiring and design protection, grounding, circuit protection, arc fault protection, PPE etc.); hazards communication; Noise and vibration safety; Steel erection safety; fire safety; material handling safety; concrete and masonry safety;
- PPE and other protective gear including training on usage;

Contractors will provide a safe workplace and a risk assessment will be completed before the commencement of any construction activities, and safety measures will be implemented in accordance with applicable safety standards. PPEs and other preventive measures will be provided at no cost to employees. Periodic OHS meetings and toolbox talk will be conducted to discuss preventive measures, deviations and non-compliances, accidents and corrective actions. Contractors will conduct internal OHS surveys and audits to verify compliance of OHS practices. Non-compliances will be documented and reported internally. A timeframe for a corrective action will be set and followed up. Daily OHS briefings will be conducted before the commencement of the works highlighting the hazards and preventive measures from each job, especially those

related to COVID-19 outbreak. Contractors will document and report to PIU all accidents and illness, especially symptoms of COVID-19, fatalities or serious injuries that may happen at work site as per the requirement of ESCP (within 24 hours of incidence). The reporting should be followed by a Root Cause Analyses (RCA) and development and implementation of a Safeguard Corrective Action Plan (SCAP). There must be on site resources for first aid and for more serious injuries there must be a pre-approved health facility for medical treatment, as well as appropriate transportation of injured/sick/symptomatic workers. Contractors will control the access to the construction site only to authorized people and verify if workers are meeting training and capacity requirements to carry out their jobs. All workers must complete at minimum an OHS induction to have access to the construction site.

PIU will arrange periodic supervision of Contractor's OHS performance, including site visits, at least monthly. These supervisions will cover compliance with above mentioned standards, accidents, violations of rules, recommendations, and progress of ongoing corrective actions.

PIU will inform WB promptly about any incident or accident related to the project which has or is likely to have a significant adverse effect on the environment, the affected communities, the public or workers (labor, health and safety, or security incident, accident or circumstance) as per commitment of ESCP (24 hours of incidence). Such events can include COVID-19 cases and symptoms, labor protests, serious worker injuries or fatalities, project-caused injuries to community members or property damage.

The Contractor will develop and implement Code of Conduct (CoC). The CoC will reflect the Contractors' core values and overall working culture, provisions relating to GBV/SEA/SH, waste management and disease prevention, work ethics and special illustration on COVID-19 protocols. CoCs will have to be understood and signed by all workers. The content of the CoCs will be included in the Standard Bidding Documents (SBD).

The Contractor will be required to provide the periodic information on the performance in terms of labor, OHS issues. The information will be included in the Contractor's monthly report and will be reviewed by PIU.

## **8.2 Labor Influx and Gender Based Violence/SEA/SH**

The project will employ mostly local labor and the SEA/SH risk profile is Moderate. However, few mitigation measures will be in place to deter any likelihood of SEA/SH. The Contractor will ensure that a Code of Conduct (CoC) is developed that will entail, among others, issues of SEA/SH and disciplinary measures. The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior. The CoC will include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, SEA/SH (e.g., termination). The CoC shall be written in Bangla and 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 SEA/SH, 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 SEA/SH a punishable offence which is prosecuted;
- iii. Adopting a policy to cooperate with law enforcement agencies in investigating complaints about SEA/SH;
- iv. A system to capture SEA/SH related complaints/issues shall be developed.
- v. This process shall be under the portfolio of a designated Officer (Social Specialist) who shall identify and engage the relevant stakeholders on SEA/SH issues.

## 9 AGE OF EMPLOYMENT

As per Bangladesh Labor Act, 2006, Section 34, no child shall be employed to work in any occupation. Section 44 mentions that anyone under age 14 is considered as child and under 18 but over 14 is considered as adolescent. World Bank strictly prohibits child labor and clearly mentioned that the minimum age of 18 years (in some case 14) is required for anyone to get employment in such works. Section 37 of the act suggests a fitness certificate required for adolescents to get employed and they can be appointed to do the light works.

The project will prohibit employment of anyone below the age of 18 and this will be enforced at recruitment and in daily staff team talks by Contractors. PIU will also supervise this through the Contractor Management Checklist.

Consultants will be required to verify the identify and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record. Contractors will liaise with community members to attest to the age and conduct of all local hires, and maintain a list of same.

If anyone under the age of 18 will not be allowed found working on the project, measures will be taken to immediately terminate the employment or engagement of the person in a responsible manner, considering the best interest of him/her.

## 10 TERMS AND CONDITION

The terms and conditions of employment in Bangladesh are governed by the provisions of Bangladesh Labor Act, 2006 in connection with The Control of Employment Ordinance, 1965. The Act makes it obligatory for employers to provide service book containing written particulars of employment, signed by both parties upon employment. For this project, contractors will be required to provide all its employees (including casual employees) with written particular of employment. The particulars will include (in light of Labor Act and Law, mentioned in 3.4 above):

Name of assignment and the Date Employment began  
Wage and Method of Calculation – *Will follow the minimum wage standards by the wage board*

Interval at which wages are paid – *Must be paid on a monthly basis by the 7<sup>th</sup> of each month for previous month*  
 Normal Hours of work – *8 hours a day and 48 hours/ week*  
 Short description of employee's work  
 Probation Period – *Max one month*  
 Annual Holiday Entitlement – *1 day for each 18 day of work*  
 Paid Public Holiday – *As per Government Holiday list*  
 Payment during sickness – *14 days/ year full payment*  
 Maternity Leave (if employee female) - *8+8 weeks leave, wage @ average of preceding 3 months*  
 Nursing Break Entitlement (for female employee)  
 Notice employee entitled to receive – *Any notice affecting pay, leave and other entitlement*  
 Notice employer required to give  
 OHS and training requirement – *Provision of free PPE, free training on OHS, emergency evacuation*  
 Any other matter either party wishes to include

Contractors will also be required to comply with the most current decision of Wages Board assigned by the government, as of December 2018, the amendment of the labor act was implemented regarding the labor wage. The wages can be settled based on local wage rate prevailing at the market but not less than standard wage rate contained in the most current wages regulation issued by the government recommended by the Wages Board Chairman. In this case, written appointment letter with all terms and conditions would be given to the employees.

As a monitoring mechanism, a 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. It will be a material term of the contract to allow PIU to withhold payment from contractor should the contractor not fulfil their payment obligation to their workers.

### **10.1 Worker's Organization**

The Bangladesh Labor Act, 2006 (Section 176) and ESS2 ratifies the Rights of Workers, guarantees all workers of their right to freely form, join or not join a trade union/ workers union for the promotion and protection of the economic interest of that worker; and collective bargaining and representation and in the Bangladesh Labor Act, 2006, a worker's welfare society holds the right to negotiate the terms and conditions of employment and other related matters and any worker has the right to join the welfare society. Section-119 of this Act suggest collective bargaining agent to negotiate representing the welfare society of workers.

## **11 WORKER CONDUCT AND GRIEVANCE REDRESS MECHANISM (GRM)**

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. SEA/SH issues

##### 11.1 Disciplinary Procedure

The starting point for all disciplinary action is rules. These rules can 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. 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

Advance notice regarding termination, retrenchment, discharge should be given to workers. In Bangladesh, labor courts are there to settle the disputes. In handling any kinds of disputes, there is a whole chapter of settlement of disputes in Bangladesh Labor Act, 2006.

A well establish, fair and effective disciplinary procedure for workplace, will be established by the PIU in accordance with industry best practices, 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 workers can understand;
- c. The worker 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 workers must be given an opportunity to respond to the allegations, question the witnesses of the employer and to lead witnesses;
- e. If a worker 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.

Therefore, Contractor will ensure that they have a disciplinary procedure and Code of Conducts and standards which the workers are aware of. Each contractor will be required to produce this procedure to ensure that employees are not treated unfairly.

##### 11.2 Individual Grievance Procedure

The project will have a Workers' Grievance Procedure which should be known and explained to the workers. Such procedure should at least:

- a. Specify to whom the workers should lodge the grievance;
- b. Refer to time frames in the Labor 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 workers has the right to lodge a dispute with higher authority/PIU.

All the contractors who will be engaged for the project will be required to produce their Grievance Redress Mechanism (GRM) 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 worker has been inducted and signed that they have been inducted on the procedure.

### **11.3 Collective Grievances and Disputes resulting from the negotiations of Collective agreements**

The worker GRM will include directions on how the issues/complaints are raised, the procedure for fact finding, the composition of the parties involved in the redress system and the procedure to deal issues that are not resolved through the GRM. The workers may as well take their issues to PIU to address before going to labor court, if deem fit.

Given the anticipated number of the project workers the labor GRM will be a separate entity apart from the Project level GRM, though personnel in the committees (GRC) on both the GRMs will have overlapping functions. Reporting Channels for the GRMs can also be same.

### **11.4 Gender-based Violence (GBV), Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH)**

Gender based discrimination will be strictly prohibited and monitored by the Contractors and the PIU of RIVER project. PIU may, with support from consultants, identify and employ GBV service providers who are actively engaged in prevention of SEA/SH. If the project unit and the contractor are not equipped to handle complaints or provide relevant services to survivors, they 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 SEA/SH will be reported through the project/contractor, the nature of the complaint will be recorded along with the age and gender of the complainant and relation to the project, but individual identification information will not be transmitted. Issue of consent and confidentiality must always be adhered to.

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

### **11.5 GRM Process for Workers**

Every Contractor will have a Formal Grievance Procedure which will be known and explained to the workers. 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:

- Who the workers should report to;
- Time frame for addressing grievances at each level should be specified;
- Opportunity to report to a higher-level authority if grievance is not resolved at within the stipulated time;
- Right to seek judicial redress

The grievance process should be guided by the following principles:

- Transparency
- Confidentiality
- Non-retribution practices
- Non-vindictive
- Right to representation
- Proper documentation

**Establish a GRM:** Grievance Redress Mechanism (GRM) will be implemented to ensure that all complaints from workers are dealt with appropriately, with corrective actions being implemented, and the complainant being informed of the outcome. This is separate from the project GRM.

**Grievance Redress Committees:** Grievance Redress Committees (GRCs) shall be constituted at various levels of work as shown in Table below:

**Table 4: Levels of Grievance Redress Committees**

Committee	Description
First Level GRM: GRC at the Contractor Level	Composed at the Contractor Level and easily accessible to workers. This committee will comprise of worker representatives (male and female) and Contractor Consultant, supervision consultant and site engineer. In addition, complaint box will be placed in the work site, SMS and phone number circulated that will encourage aggrieved workers drop their complaints. This should be checked regularly (at least twice weekly) by a designated person in the committee. This committee will be expected to report to the specific PIU
Second Level of GRM: GRC at the PIU Level	This committee shall comprise of PIU members including the Project Director/representative, Social Specialist among others. If the complainant does not accept the solution offered by the PIU- GRC, then the complaint may be referred to the country legal system

**Roles of the GRCs:** The Grievance Redress Committees will be responsible for:

- Receiving complaints from the workers, log them and carryout verification
- Provide hearing and resolution
- Refer complaints to higher levels if not resolved

**Expectation When Grievances Arise:** When workers present a grievance, any of the followings is or are expected from the project management/channel of grievance resolution:

- Acknowledgement of their grievance;
- An honest response to questions/issues brought forward;
- An apology, adequate compensation; and
- Modification of the conduct that caused the grievance and some other fair remedies.

**Typical Grievance Redress Process:** The process of grievance redress will start with registration of the grievance(s) to be addressed, for reference purposes and to enable progress updates of the cases. Thus, the aggrieved worker will file a complaint/ fill a grievance form with the Grievance Redress Committee (GRC). The complaint should contain a record of the person responsible for an individual complaint, and records dates for the date the complaint was reported; date the Grievance Log was uploaded onto the project database; date information on proposed corrective action sent to complainant (if appropriate), the date the complaint was closed out and the date response was sent to complainant.

The officer receiving the complaint (part of the GRC member) will ensure that each complaint has an individual reference number and is appropriately tracked, and recorded actions are completed. The response time will depend on the issue to be addressed but it should be addressed with efficiency. The Contractor level Grievance committee will act on it within **10 working days** of receipt of grievances. If no amicable solution is reached, or the worker does not receive a response within 15 working days, he/she can appeal to the PIU level GRC, which should act on the grievance within **15 working days** of its filing. PIU level GRC will have a labor and a contractor representative to address Labor issues. These timelines are further illustrated in Table below:

**Table 5: Typical Steps in a Grievance Redress Process**

Steps	Process	Description	Completion Time frame	Responsible Agency/Person
1	Receipt of complaint	Document date of receipt, name of complainant, nature of complaint, inform the PIU	1 day	Secretary to GRC at Contractor level
2	Acknowledgement of grievance	By letter, email, phone	1 day	Focal point of Contractor
3	Screen and Establish the Merit of the Grievance	Visit the site; listen to the complainant/community; assess the merit	3 days	Contractor level GRC
4	Implement and monitor a redress action	Where complaint is justified, redress the issue	10 days from receipt of complaint	Contractor level GRC
5	If not solved in 15 days, escalate to PIU level GRC	Review the redress steps and conclusions, provide intervention solution	15 days of receiving of complaint	PIU level GRC (with a labor and a contractor representative present)
6	Judicial adjudication	Take complaint to court of law	No fixed time	Complainant

\*All complaints including anonymous ones must be attended to and resolved

**Channels for Raising Complaints:** The Labor GRM will provide multiple channels to raise grievances of the workers. The Contractor will be required to provide a dedicated phone number for call, a number of SMS/text message, an email address and a focal point and physical address to register complaints. This will be well circulated to workers and posters and other dissemination material must be made visible in worksites. The Project GRM channels will be used when complaints will be lodged beyond the Contractor level GRC.



## 12 MANAGEMENT OF CONTACTORS

Contractors will monitor, keep records and report on terms and conditions related to labor management. The contractor will 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 and to the size of the contract.

- a. **Labor conditions:** record keepings on engaged workers under the sub-projects, including contracts, consultants, registry of induction of workers including CoC, actual hours worked, payment and deductions (including overtime), collective bargaining agreements;
- b. **Safety:** recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), Safeguard Corrective Action Plan (SCAP), 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 labor is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- d. **Training:** dates, training plan, 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 PIU will manage and monitor the performance of the Contractor in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties). This will include audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors. Contractors' labor management records and reports will include:

- (a) a representative sample of employment contracts or arrangements between third parties and contracted workers;
- (b) records relating to grievances received and their resolution;
- (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions;
- (d) records relating to incidents of non-compliance with national law; and
- (e) training records provided for contracted workers to explain labor and working conditions and OHS for the project.

The following procedures will be followed by PIU for contractor management, adhering to LMP provisions and shall be liable to comply with these procedures:

1. Ensure that Contractors have valid contracts with clearly define service level agreement and all environmental and social clauses
2. Contractor induction to national Labor Law, standards and LMP
3. Monthly submission of records: Contractor submission to Project Implementation Unit, copied to sub-project management. This includes:

- a. Managing incidents and accidents, the Incident Reporting and Investigation Procedure is followed, and the Incident/Accident Monitoring Register is used to monitor.
  - b. Contractor employees recorded using Contractors Employee List
- 4. Monthly site visits (at a minimum) and reports
- 5. Major concerns or issues tracking using monitoring register.
- 6. Evaluation of contractor requirements those includes training, OHS documents, certifications and other.
- 7. The evaluation results in Portfolio Reports which includes recommendations for contract extension or termination.
- 8. Training needs assessment identified and recorded in Contractor Training Schedule
- 9. Annual Contractor Management Plans

## **Annex 1: General Guideline Covid-19 Considerations in Project Implementation**

### **(a) ASSESSING PERSONNEL CHARACTERISTICS**

Project workers will be employed under different terms and conditions and be accommodated in different ways. Assessing these different aspects of the workforce will help in identifying appropriate mitigation measures:

- The PIU should prepare a detailed profile of the project work force, key work activities, schedule for carrying out such activities, different durations of contract and rotations (e.g., 4 weeks on, 4 weeks off).
- This should include a breakdown of workers who reside at home and workers who lodge within the local community. Where possible, it should also identify workers that may be more at risk from COVID-19, those with underlying health issues or who may be otherwise at risk.
- Consideration should be given to ways in which to minimize movement in and out of project sites. This could include lengthening the term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas.
- Consideration should be given to requiring workers lodging in the local community to move to site accommodation (subject to availability) where they would be subject to the same restrictions.
- Workers from local communities, who return home daily, weekly or monthly, will be more difficult to manage. They should be subject to health checks at entry to project sites (as set out above) and at some point, circumstances may make it necessary to require them to either use accommodation near the project site.

### **(b) ENTRY/EXIT TO THE PROJECT SITES**

Entry/exit in the project sites should be controlled and documented for all, including support staff and suppliers. Possible measures may include:

- Establishing a system for controlling entry/exit to the site, securing the boundaries of the site, and establishing designating entry/exit points (if they do not already exist). Entry/exit to the site should be documented.
- Staff who will be monitoring entry to the site, should be provided with the resources they need to document entry of workers, and recording details of any worker that is denied entry.
- Confirming that workers are fit for work before they enter the site. While procedures should already be in place for this, special attention should be paid to workers with underlying health issues or who may be otherwise at risk. Consideration should be given to demobilization of staff with underlying health issues.
- Checking and recording temperatures of workers and other people entering the site or requiring self-reporting prior to or on entering the site.
- Providing daily briefings to workers prior to commencing work, focusing on COVID-19 specific considerations including cough etiquette, hand hygiene and distancing measures, using demonstrations and participatory methods.
- During the daily briefings, reminding workers to self-monitor for possible symptoms (fever, cough) and to report to their supervisor or the COVID-19 focal point if they have symptoms or are feeling unwell.
- Preventing a worker from an affected area or who has been in contact with an infected person from returning to the site for 14 days or (if that is not possible) isolating such worker for 14 days.

- Preventing a sick worker from entering the site, referring them to local health facilities if necessary or requiring them to isolate at home for 14 days.
- All workers going in and out of the project sites should be wearing adequate PPE including masks for the project works
- Workers should periodically get tested for the Covid-19 virus.

### **(c) HYGIENE MAINTENANCE TO PREVENT THE SPREAD OF COVID-19**

Requirements on general hygiene should be communicated and monitored, to include:

- Workers and staff on site on the signs and symptoms of COVID-19, how it is spread, how to protect themselves (including regular hand washing and social distancing) and what to do if they or other people have symptoms (for further information see [WHO COVID-19 advice for the public](#)).
- Placing posters and signs around the site, with images and text in local languages.
- Ensuring hand washing facilities supplied with soap, disposable paper towels and closed waste bins exist at key places throughout site, including at entrances/exits to work areas; where there is a toilet, canteen or food distribution, or provision of drinking water; in worker accommodation; at waste stations; at stores; and in common spaces. Where hand washing facilities do not exist or are not adequate, arrangements should be made to set them up. Alcohol based sanitizer (if available, 60-95% alcohol) can also be used.
- Review worker accommodations, and assess them in light of the requirements set out in [IFC/EBRD guidance on Workers' Accommodation: processes and standards](#), which provides valuable guidance as to good practice for accommodation.
- Setting aside part of worker accommodation for precautionary self-quarantine as well as more formal isolation of staff who may be infected.

### **(d) CLEANING AND WASTE DISPOSAL**

Conduct regular and thorough cleaning of all site facilities, including offices, accommodation, canteens, common spaces. Review cleaning protocols for key construction equipment (particularly if it is being operated by different workers). This should include:

- Providing cleaning staff with adequate cleaning equipment, materials and disinfectant.
- Review general cleaning systems, training cleaning staff on appropriate cleaning procedures and appropriate frequency in high use or high-risk areas.
- Where it is anticipated that cleaners will be required to clean areas that have been or are suspected to have been contaminated with COVID-19, providing them with appropriate PPE: gowns or aprons, gloves, eye protection (masks, goggles or face screens) and boots or closed work shoes. If appropriate PPE is not available, cleaners should be provided with best available alternatives.
- Training cleaners in proper hygiene (including hand washing) prior to, during and after conducting cleaning activities; how to safely use PPE (where required); in waste control (including for used PPE and cleaning materials).

### **(e) TRAINING AND COMMUNICATION WITH WORKERS**

Workers need to be provided with regular opportunities to understand their situation, and how they can best protect themselves, their families and the community. They should be made aware of the

procedures that have been put in place by the project, and their own responsibilities in implementing them.

- It is important to be aware that in communities close to the site and amongst workers without access to project management, social media is likely to be a major source of information. This raises the importance of regular information and engagement with workers that emphasizes what management is doing to deal with the risks of COVID-19. Allaying fear is an important aspect of work force peace of mind and business continuity. Workers should be given an opportunity to ask questions, express their concerns, and make suggestions.
- Training of workers should be conducted regularly, as discussed in the sections above, providing workers with a clear understanding of how they are expected to behave and carry out their work duties.
- Training should address issues of discrimination or prejudice if a worker becomes ill and provide an understanding of the trajectory of the virus, where workers return to work.
- Training should cover all issues that would normally be required on the work site, including use of safety procedures, use of construction PPE, occupational health and safety issues, and code of conduct, taking into account that work practices may have been adjusted.
- Communications should be clear, based on fact and designed to be easily understood by workers, for example by displaying posters on hand washing and social distancing, and what to do if a worker displays symptoms.

## **Annex 2: Examples of GBV/SEA/SH Related Cases**

***Note. The SEA/SH risk rating for this project is Moderate.***

The civil works in this project is not major in nature. Though possibility is low, the likely manifestations of SEA/SH in this project include:

- Physical violence (such as slapping, kicking, hitting, or the use of weapons);
- Emotional abuse (such as systematic humiliation, controlling behavior, degrading treatment, insults, and threats);
- Cases of sexual violence, which includes any form of non-consensual sexual contact, including rape;
- Economic abuse and the denial of resources, services, and opportunities (such as restricting access to financial, health, educational, or other resources with the purpose of controlling or subjugating a person);

SEA/SH at the work sites may have either one or other forms as mentioned below:

- Higher wages for workers in the local community can lead to an increase in transactional sex including incidents of sex between laborers and minors.
- Though minor in form, civil work projects may cause shifts in power dynamics between community members and within households. This may lead to abusive behavior within the homes of those affected by the project.
- Job opportunities of local women and girls are generally limited. However, with civil work in the neighborhood, they may avail job opportunities in the project area and as a result be victims of SEA/SH.

## Annex 3: Labor Code of Conduct (CoC) Covering the SEA/SH related risks

### Introduction

The Contractors selected are committed to ensuring a work environment which minimizes any negative impacts on the local environment, communities, and its workers. The Contractor also strongly commits to creating and maintaining an environment in which Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) have no place, and where they will not be tolerated by any employee, sub-contractor, supplier, associate, or representative of the Contractor. The purpose of this *Code of Conduct* is to:

1. Create a common understanding of what constitutes expected behavior from workers
2. Create a shared commitment to standard behaviors and guidelines for company employees to prevent, report, and respond to any environmental and social negative issues (including SEA/SH), and
3. Create understanding that breach of this code of conduct will result in disciplinary action.

### Definitions

#### **Sexual Exploitation and Abuse (SEA)<sup>1</sup>**

Is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another<sup>2</sup>.

**Sexual Abuse:** "The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."

#### **Sexual Harassment:<sup>3</sup>**

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of sexual nature.

#### **Sexual Harassment versus SEA<sup>4</sup>**

SEA occurs against a beneficiary or member of the community. Sexual harassment occurs between personnel/staff of an organization or company and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each.

**Consent** is the choice behind a person's voluntary decision to do something. Consent for any sexual activity must be freely given, ok to withdraw, made with as much knowledge as possible, and specific to the situation. If agreement is obtained using threats, lies, coercion, or exploitation of power imbalance, it is not consent. **Under this Code of Conduct<sup>5</sup> consent cannot be given by anyone under**

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<sup>1</sup> As defined in the UN Secretary's bulletin – Special Measures for protection from sexual exploitation and abuse October, 9, 2003 ST/SGB/2003/13

<sup>2</sup> In the context of World Bank Financed operations exploitation occurs when access to, or benefit from a World Bank Financed good or service is used to extract sexual gain.

<sup>3</sup> Inter-Agency Standing Committee *Protection against Sexual Exploitation and Abuse (PSEA): Inter-agency cooperation in community based complaint mechanism. Global standard Operating Procedures.* May 2016

<sup>4</sup> Ibid

<sup>5</sup> In accordance with the United Nations Convention on the Rights of the Child.

**the age of 18, regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of the child is not a defense.**

There is no consent when agreement is obtained through:

- the use of threats, force or other forms of coercion, abduction, fraud, manipulation, deception, or misrepresentation
- the use of a threat to withhold a benefit to which the person is already entitled, or
- a promise is made to the person to provide a benefit.

**While all forms of violence against a community resident or a co-worker are forbidden, this code of conduct is particularly concerned with the prevention and reporting of sexual exploitation and abuse (SEA) and sexual harassment (SH) which constitute gross misconduct, are grounds for termination or other consequences related to employment and employment status:**

**(1) Examples of sexual exploitation and abuse** include, but are not limited to:

- A project worker tells women in the community that he can get them jobs related to the work site (cooking and cleaning) in exchange for sex.
- A worker that is connecting electricity input to households says that he can connect women headed households to the grid in exchange for sex.
- A project worker gets drunk after being paid and rapes a local woman.
- A project worker denies passage of a woman through the site that he is working on unless she performs a sexual favor.
- A manager tells a woman applying for a job that he will only hire her if she has sex with him.
- A worker begins a friendship with a 17-year-old girl who walks to and from school on the road where project related work is taking place. He gives her rides to school. He tells her that he loves her. They have sex.

**(2) Examples of sexual harassment in a work context** include, but are not limited to:

- Male staff comment on female staffs' appearances (both positive and negative) and sexual desirability.
- When a female staff member complains about comments male staff are making about her appearance, they say she is "asking for it" because of how she dresses.
- A male manager touches a female staff members' buttocks when he passes her at work.  
A male staff member tells a female staff member he will get her a raise if she sends him naked photographs of herself.

**Individual signed commitment (to be translated in Bangla):**

I, \_\_\_\_\_, acknowledge that sexual exploitation and abuse (SEA) and sexual harassment (SH), are prohibited. As an (*employee/contractor*) of (*contracted agency / sub-contracted agency*) in(*country*), I acknowledge that SEA/SH activities on the work site, the work site surroundings, at workers' camps, or the surrounding community constitute a violation of this *Code of Conduct*. I understand SEA and SH activities are grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit SEA/ SH may be pursued if appropriate.

I agree that while working on the project I will:

- Treat all persons, including children (persons under the age of 18), with respect regardless of sex, race, color, language, religion, political or other opinion, national, ethnic or social origin, gender identity, sexual orientation, property, disability, birth or other status.



- Commit to creating an environment which prevents SEA and SH and promotes this code of conduct. In particular, I will seek to support the systems which maintain this environment.
- **Not** participate in SEA and SH as defined by this *Code of Conduct* and as defined under (*country*) law (*and other local law, where applicable*).
- **Not** use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- **Not** participate in sexual contact or activity with anyone below the age of 18. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense. I will not participate in actions intended to build a relationship with a minor that will lead to sexual activity.
- **Not** solicit/engage in sexual favors in exchange for anything as described above.
- Unless there is the full consent by all parties involved, recognizing that a child is unable to give consent and a child is anyone under the age of 18, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” under this Code.

**I commit to:**

- Adhere to the provisions of this code of conduct both on and off the project site.  
Attend and actively partake in training courses related to preventing SEA and SH as requested by my employer.

If I am aware of or suspect SEA/ SH, at the project site or surrounding community, I understand that I am encouraged to report it to the Grievance Reporting Mechanism (GRM) or to my supervisor. The safety, consent, and consequences for the person who has suffered the abuse will be part of my consideration when reporting. I understand that I will be expected to maintain confidentiality on any matters related to the incident to protect the privacy and security of all those involved.

**Sanctions:** I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

- Informal warning or formal warning
- Additional training.
- Loss of salary.
- Suspension of employment (with or without payment of salary)
- Termination of employment.
- Report to the police or other authorities as warranted.

*I understand that it is my responsibility to adhere to this code of conduct. That I will avoid actions or behaviors that could be construed as SEA and SH. Any such actions will be a breach this Individual Code of Conduct. I acknowledge that I have read the Individual Code of Conduct, do agree to comply with the standards contained in this document, and understand my roles and responsibilities to prevent and potentially report SEA and SHA issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.*

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_