

**Labor Management Procedures (LMP)**  
**FOR**  
**NIGERIA COVID-19 ACTION RECOVERY AND ECONOMIC STIMULUS**  
**(P174114)**



**October 2020**

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## Table of Contents

Table of Contents .....	ii
List of Tables .....	iii
List of Figures .....	iv
ABBREVIATIONS .....	iv
Executive Summary .....	
CHAPTER ONE: INTRODUCTION .....	1
1.1 Project Background .....	1
1.2 Labour Management Procedures .....	2
1.3 Objectives of LMP .....	2
1.4 Scope of Labour Management Procedures .....	3
1.5 COVID-19 Compliance Protocol in CARES Management .....	3
1.6 CARES Project Components/ Result Areas .....	3
1.6.1 Program Result Areas/ Components .....	4
CHAPTER TWO: OVERVIEW OF LABOUR USE IN THE TECHNICAL ASSISTANCE COMPONENT OF N-CARES PRORAMME .....	6
2.1 Types of Workers .....	6
2.2 Number of Project Workers .....	7
2.3 Characterization of Labour requirements .....	7
2.4 Project Implementation Schedule and Activities .....	7
CHAPTER THREE: KEY POTENTIAL LABOUR RISKS & MITIGATION MEASURES .....	8
3.1 Introduction .....	8
3.2 Potential Risks and Impacts .....	8
3.2.1 The identified potential risks and impacts .....	8
3.3 Labour Management Plan .....	9
3.3.2 Gender Based Violence .....	14
CHAPTER FOUR: BRIEF REVIEW OF LABOUR LEGISLATION .....	15
4.1 Introduction .....	15
4.2 Labour Policy Institutional Framework .....	15
4.3 Relevant Federal Labour Policies .....	17
4.3.1 The Labour Act 2004 .....	17
4.3.2 Occupational Health and Safety .....	17
4.3.3 Other Federal Legislation .....	<b>Error! Bookmark not defined.</b>
4.4 Bank Environmental and Social Standards .....	19
4.4.5 World Bank Environmental, Social and Health Guidelines (ESHG) .....	20
4.6 International Labour Legislation .....	24
CHAPTER FIVE: ROLES AND RESPONSIBILITIES FOR MANAGING THE LMP .....	25

5.1	Introduction.....	25
5.1.1	Federal Level Support.....	25
5.1.2	Specific Responsibilities of the LMP are outlined below:.....	26
5.2	Responsibilities of the Safeguard Specialist .....	27
CHAPTER SIX: POLICIES AND PROCEDURES FOR LABOUR IMPACT MANAGEMENT .....		28
6.1	Child Labour and Minimum Age of Employment.....	28
6.1.1	Forced Labour .....	28
6.2	Terms and Conditions of Employment .....	28
6.2.1	Non-discrimination and Equal Opportunity .....	28
6.2.2	Worker Privacy.....	29
CHAPTER SEVEN: GRIEVANCE REDRESS MECHANISM (GRM).....		31
7.1	Purposes of GRM.....	31
7.2	Process Steps .....	32
7.3	Importance of the GRM to N-CARES Programme.....	32
7.4	Grievance Handling Procedure in N-CARES Project.....	33
7.6	Institutional Arrangements and Capacity building.....	34
7.6.1	GRM Institutional Arrangement.....	34
7.6.2	GRM Implementation .....	35
7.7	Worker Feedback system .....	35
7.8	Accident and Incident Recording .....	35
7.9	Community Feedback .....	35
7.10	Timetable for Disclosure .....	36
CHAPTER EIGHT: CONTRACTOR MANAGEMENT .....		37
8.1	Introduction.....	37
8.2	Verification, Monitoring Mechanism and Reporting .....	37
8.3	Human Resources Employee Database.....	37
8.4	Contractor Database .....	37
8.5	Supply Chain Database .....	37
ANNEXURE .....		38
Annex 1: Sample of Risk Assessment Tool .....		38
Annex 2: Sample Code of Conduct .....		40
Annex 3: Sample OHS Training Plan .....		47

## List of Tables

Table 2.1:	Estimated labour requirements for workers for the Proposed Intervention .....	7
Table 3.1:	Labour Management Plan.....	9
Table 4.1:	Summary of Relevant Departments within the FML&E .....	15
Table 4.2:	Nigeria Occupational Health and Safety .....	18
Table 4.3:	Some Comparison Between ESS 2 and Nigeria Labour Legislation .....	21

## List of Figures

Figure 1.1: Shows the Institutional Coordination between the Federal and State Levels .....	4
Figure:5.1: Organogram of Federal CARES support Unit (FCSU) .....	25
Figure-9.1 Complaints Registration Process in CARES programs.....	32

## ABBREVIATIONS

CoC	Code of Conduct
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FCT	Federal Capital Territory
FCSU	Federal CARES Support Unit
GBV	Gender Based Violence
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HSE	Health Safety and Environment
ILO	International Labor Organization (ILO)
N-CARES	National COVID-19 Action Response and Economic Stimulus
NWC	National Working Committee
PPE	Personnel Protective Equipment
RTU	Registrar of Trade Union
SEA	Sexual Exploitation and Abuse
SPIU	State Project Implementation Unit
STD	Sexually Transmitted Disease
STI	Sexually Transmitted Infection
TA	Technical Assistance

## Executive Summary

The Labour Management Procedures (LMP) has been prepared in accordance to the Nigeria Labour Act of 2010 as well as the World Bank's Environmental and Social Framework (ESF), specifically the Environmental and Social Standard 2: Labour and Working Conditions (ESS2), Community Health and Safety (ESS4). This LMP applies only to the IPF/TA related activities of the Nigeria CARES Program.).

In the N-CARES programme, specifically for the IPF/TA activities, labour will be required to work in multi-disciplinary sectors. The LMP covers the direct, contracted and primary supply workers engaged in the Programme. The LMP applies to all project workers whether full-time, part-time, or temporary as required by the IPF / TA activities of the program.

The IPF/TA program will be implemented by the Federal Cares Support Unit (FCSU). The unit is headed by the National Coordinator who ensures that the program is successfully implemented. The Chairman of National Technical Committee (Director, Economic Growth, Budget& National Planning will superintend over the activities of the FCSU, while the Chairman, National Project Steering Committee in the office of the Minster of Budget & National Planning will oversee the Federal Cares Support Unit(FCSU) program on behalf of the Minister.

The Programme Development Objective (PDO) is to protect livelihoods and food security of poor and vulnerable families and to facilitate recovery of local economic activities in all participating states all across Nigeria. To achieve this objective, labor will be required across all four result areas and thus there will be risks associated with labor.

The main labor risks associated with the program are assessed to be related to the potentially hazardous work environment; associated risk of accidents; community health and safety; and gender-based violence. The context under which the program will be implemented and given its size (nationwide coverage), the potential Environmental and Social (ES) risks, impacts and the capacity of the implementing agency to manage and mitigate the ES risks becomes imperative.

The Occupational Health and Safety Act of 2014 not only seeks to secure the safety and health of persons at work but consequentially stimulates productivity of workers/employees. This ordinance entrusts employer with the obligation to ensure the safety and health of all its employees, and also to mitigate risks of exposure to any hazards in the workplace. This Act recommends regular inspection on health and safety and also prohibits employment of children, adolescent or any unfit person.

As a core contractual requirement, all consultant/contractor are required to ensure all documentation related to environmental and social risk management, including the LMP, is available for inspection at any time by FCSU-appointed agents. Under no circumstances will FCSU, the Ministry, consultant /contractors, suppliers or sub-contractors engage forced labor or child labor.

The IPF/TA program activities will maintain labor relations with workers through a Code of Conduct (CoC). The CoC commits all persons engaged by the IPF /TA program, including direct

and Indirect workers to acceptable standards of behavior. The CoC must include sanctions for non-compliance, including specific policies related to Gender-based violence, sexual exploitation and harassment.

According to the Nigeria Labor Act, the minimum age of employment for shall be 16 years and employers are to ensure that all employees are at or above this age.

In implementing an effective dispute management system, consideration must be given to the Grievance Redress Mechanism (GRM) which includes disciplinary action, individual grievances, collective grievances and negotiation of collective grievances, Gender-Based Violence (GBV), sexual exploitation and workplace sexual harassment.

Primary suppliers are suppliers who, on an ongoing basis, provide goods or materials directly to the IPF/TA programs. There are suppliers registered with the FCSU and the database is subject to regular review in accordance with N-CARES program. The review shall be carried out by the procurement unit.

The employers shall follow the standards set by World Bank ESS2 and ESS 4 in order to ensure the health and safety of workers and stakeholders. Safeguard Specialists shall be engaged by the Programme to ensure compliance with the ESSs. The FCSU shall ensure that Occupational Health and Safety of workers are managed so as to minimize any associated risks and impacts.

The provisions of this Labour Management Procedure shall be included in the conditions of contract of the bidding documents and all associated costs, where relevant including the Bill of Quantities (BOQ). Moreover, the LMP can be incorporated in the “Scope of Works and Particular Requirements” under the section “Work Requirements” along with Traffic Management Plan, Occupational Health Safety Plan, etc. All the IPF/TA programme workers must follow and comply with the LMP while employing labours for different works within the N-CARES programme.

## CHAPTER ONE: INTRODUCTION

The novel Corona Virus Disease 2019 (COVID-19) caused by Severe Acute Respiratory Syndrome Corona Virus – 2 (SARS-CoV-2) was declared a global pandemic by the World Health Organization (WHO) on March 11, 2020. Nigeria confirmed its first case of COVID-19 on the 9<sup>th</sup> March 2020 and since then has recorded over 52,800 cases (25<sup>th</sup> August 2020). With the surge in numbers of confirmed cases across the 36 states including the Federal Capital Territory, the Government of Nigeria (GON) is under tremendous pressure with respect to increase in unemployment, loss of livelihoods, health burden and economic downturn amongst others. There have been increasing calls for coordinated and multisectoral supports in ensuring the impacts of COVID-19 are minimized, thus the World Bank is supporting the Government of Nigeria through the Nigeria COVID-19 Action Recovery and Economic Stimulus (CARES) Programmes for Results (PforR). The CARES programme is intended to mitigate and support economic recovery efforts of states for a period of 18 to 24 months.

The Project Development Objective (PDO) to protect livelihoods and food scarcity of poor and vulnerable families while facilitating recovery of economic activities in participating states in Nigeria. The proposed intervention will be dedicated to state governments budget programme of expenditures, targeting existing and newly identified vulnerable poor households, their food supply chain and micro and small enterprises affected by COVID-19.

### 1.1 Project Background

This Labour Management Procedure (LMP) concern largely the Investment Project Financing / Technical Assistance (TA) component of the Programme which is targeted at providing support for capacity building activities to the FCSU. This is to enable the FCSU provide technical support to programme coordination offices and Implementing Agencies across the States. The State Implementing Agencies are expected to be well established, well-resourced and have close working relationship with the FCSU and the World Bank. The LMP will strengthen the capacity of the FCSU to provide sufficient quality assurance, monitoring and oversight on all IPF/TA activities.

Generally, the N-CARES is a PforR, an emergency operation designed to support budgeted programme of expenditures and interventions at the State level. The programme will provide financial support to all 36 Nigerian states and the Federal Capital Territory (FCT) to fulfil programme objectives in four key results areas: (i) Result Area 1: Increasing cash transfers and livelihood support to poor and vulnerable households; (ii) Result Area 2: Increasing food security and safe functioning of food supply chains for poor households; (iii) Result Area 3: Preventing collapse and facilitating recovery of household/micro enterprises, and (iv) Result Area 4: Strengthening institutional support for coordination and delivery.

The programme will leverage existing operations anchored on Community Driven Development (CDD) approach and structures with relations to multisectoral interventions such as the Community and Social Development Agency (CSDA), State Cash Transfer Units, State FADAMA or Agriculture Development Agencies, State Job Creation Unit/SME Support Units supported by the Government Enterprise and Empowerment Program.

The TA component is linked to result area 4: strengthening institutional support for coordination and delivery which involves verification of result, monitoring & evaluation and peer learning platform for the participating states. This result area will be implemented using the Investment Project Financing (IPF) instrument through a Federal Cares Support Unit (FCSU). Therefore, this Labour Management Procedure applies to only the IPF / TA activities alone and not the PforR program.

The TA component is subject to the World Bank's Environmental and Social Framework (ESF) and the relevant Standards are ESS1, ESS2 and ESS10. Thus, the TA refers to activities in result area 4 only.

Based on risk assessment of the TA/IPF component vis-a vis strengthening institutional support for state coordination and delivery at the Federal Level, the Labour Management Procedure (LMP) applies following the requirements of the Environmental and Social Framework of the World Bank.

## **1.2 Labour Management Procedures**

This Labour Management Procedure (LMP) has been prepared for the Nigeria COVID-19 Action Recovery and Economic Stimulus (CARES) Programme to ensure compliance with Environmental and Social Standard 2 (ESS 2) on Labour and Working Conditions. Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the IPF / TA by identifying the main labour requirements, the associated risks, and the procedures and resources necessary to address the IPF / TA-related labour issues. This LMP sets out general guidance relevant to labour risks associated with Result Area Four which include: Verification of result through an independent verification agent; Financial management service and technical support; Monitoring and evaluation; Capacity building on environmental and social risk management and Peer learning experience sharing.

The LMP will be reviewed continually during implementation and adequate measures and procedures to manage negative impacts will be put in place.

## **1.3 Objectives of LMP**

The LMP is developed taking into consideration the ESS 2 which specifies the requirements for the management of labour and working conditions. The LMP seeks to achieve the following specific objectives:

- Establish arrangements to appropriately manage and protect the OHS and welfare of workers including both employees and contractors and others who may be exposed to risks associated with the IPF/TA activities;
- Ensure that employees understand their rights in relation to labour and working conditions;
- Allow employees to exercise their right to freedom of association and collective bargaining;
- Provide employees and contractors with a feedback mechanism for them to raise feedback, concerns, complaints and grievances and to receive information on the response and any associated corrective action;

- Prevent discrimination in hiring, remuneration, access to training, on the grounds of race, national or social origin, birth, religion, disability, gender, sexual orientation, union membership, political opinions and age and promote equal opportunities;
- Manage disciplinary practices and grievances in a manner that treats those affected individuals with respect and dignity and without threat, abuse or ill-treatment;
- Ban the use or support of child, forced or compulsory labour in direct operations and in the supply chain;

#### 1.4 Scope of Labour Management Procedures

The LMP describes the requirements and expectations in terms of compliance, reporting, roles, supervision and training with respect to labour and working conditions, including camp accommodation. It covers all categories of workers but only partially covers government workers/civil servants working in connection with the IPF /TA programs except if there is a legal transfer of their employment or engagement. The LMP will set out the following procedures

- Overview of labour use on the project.
- Assessment of key potential labour risks
- Brief overview of labor legislation (Terms and conditions).
- Brief overview of labor legislation (Occupational Health and Safety)
- Responsible Staff
- Policies and procedures
- Age of employment
- Terms and Conditions:
- Grievance Mechanism
- Contractor Management
- Primary Supply Workers

#### 1.5 COVID-19 Compliance Protocol in CARES Management

It is no longer news that the whole world is presently ravaged by COVID-19 pandemic. As such local and national laws have mandated people to avoid public gathering and adopt social distancing to prevent the risk of the virus transmission. Restrictive measures have been adopted by several nations, these ranged from strict restrictions on public gatherings, meetings and people's movement, and others restriction were against public group meetings. Public enlightenment is currently on-going to create public awareness on the risk of transmission, particularly through social interaction at large gatherings.

In compliance with the Federal Government of Nigeria directives and World Bank COVID-19 Stakeholders Engagement Protocol, the stakeholder consultation for the CARES was carried out virtually while ensuring that all the concerned individuals, groups ministries and agencies were carried along.

#### 1.6 CARES Project Components / Result Areas

This section gives a brief summary of the proposed CARES programme. The programme will be implemented in the 36-states and Federal Capital Territory, through the Federal CARES Support

Unit (FCSU). At the state levels, the programme support will leverage on existing operations anchored in community driven development approach and structures with relations to multisectoral interventions such as:

- Community and Social Development Agency (CSDA);
- State Cash Transfer Units;
- YESSO Project
- State Fadama Development Offices
- Agriculture Development Agencies
- State Job Creation Unit
- Small Medium Enterprise Support Units supported by the government enterprise and empowerment Programme

The Institutional relationship between the Federal and the State level operation is shown below:

### Proposed Institutional Arrangement

At Federal and State Level

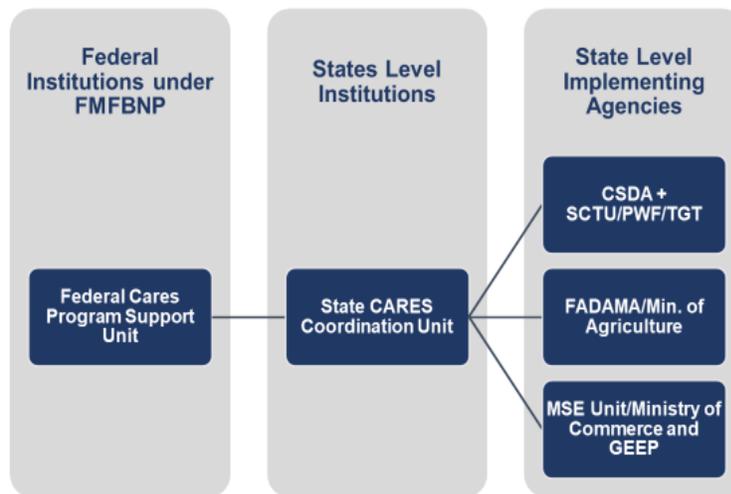


Figure 1.1: Shows the Institutional Coordination between the Federal and State Levels

#### 1.6.1 Program Result Areas/ Components

The project components of CARES have four areas of results, of relevance to this report is Result Area Four. They are examined as seen below:

**Result Area 1: Increased Social Transfer, Basic services and livelihood support to poor and vulnerable households.** This result area is disaggregated around the following activities:

- Social Transfer to aged, Physically Challenged, chronically ill and urban poor
- Livelihood grants to economically active household members
- Labour intensive public work activities

- Community and group investment / basic infrastructure services

**Result Area 2. Increased food security and safe functioning of food supply chain.** This will include agricultural related activities across the entire agricultural value chain such as:

- Provision of agricultural inputs and services
- Labour intensive agricultural infrastructures
- Agricultural assets for production and mitigation of food loss and waste
- Upgrading wet markets to function safely

**Result Area 3. Facilitating Recovery and Enhancing Capabilities of MSEs.** Activities proposed under this result area include

- Provision of well targeted conditional grants to co-finance loans that eligible MSEs received during the COVID-19.
- Extending conditional grants to MSEs cover up 50% portion of monthly operation cost of MSEs.
- Support adoption of digital payments integration and IT connection cost of MSEs

**Result Area 4. Strengthened Institutional Support for State Coordination and Delivery.** While implementation of result areas 1-3 will happen at the state level, result area 4 will be implemented at the federal level and will include

- Verification of result through an independent verification agent;
- Financial management service and technical support;
- Capacity building on Environmental and Social Risk management;
- Monitoring and evaluation and
- Peer learning experience sharing.

## **CHAPTER TWO: OVERVIEW OF LABOUR USE IN THE TECHNICAL ASSISTANCE COMPONENT OF N-CARES PROGRAMME**

This chapter examines the LMP with respect to the TA Component for the Nigeria COVID-19 Action Recovery and Economic Stimulus (CARES) Programs' to ensure compliance with Environmental and Social Standard 2 (ESS 2) on Labour and Working Conditions of the World Bank's Environmental and Social Framework (ESF) and the national legislation and regulations of the Government of Nigeria. Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the project by identifying the main labour requirements, the associated risks, and the procedures and resources necessary to address the project-related labour issues. The LMP sets out general guidance relevant to different forms of labour but also issues and concerns that relate to N-CARES project considerations.

### **2.1 Types of Workers**

The N-CARES programme activities will include different categories of workers, who will be engaged in different activities. With regard to ESS2, the workers required for the programme can be classified into the following three groups: direct workers, contracted workers and primary supply workers. The three categories of workers relevant to the Result Area 4 (TA Component) are described below.

#### **a) Direct workers**

This category of workers will comprise a mix of government civil servants from various relevant line ministries and those deployed as technical consultants" – full and part-time by the FCSU and State PIUs (SPIUs) – under the programme. Direct workers will comprise project staff hired as consultants; and Ministry staff seconded from the civil service. The IPF/TA will be implemented by the Federal CARES Support Unit (FCSU). The requirements of paragraphs 9 to 30 of ESS2 will apply to direct workers.

These officers are found in the FCSU and they will serve as National Coordinator, Technical Officers, Procurement Officer, Internal Auditor, Accountant, Financial Officer, Monitoring & Evaluation Officer, Gender Officer, Environmental Safeguard Officer, Social Safeguard Officers and Communications Officer. The composition of the SPIU will be determined at State level.

#### **b) Contracted workers**

Two broad categories of contracted workers are expected. First is consultant service providers who will provide implementation support services to the FCSU and SPIU. Second is the staff of contractors, suppliers, and contractors to be subcontracted to arrange for civil works. The requirements of paragraphs 9 to 33 of ESS2 will apply to direct workers.

#### **c) Primary Supply Workers**

The FCSU Team must ensure that any contractors or suppliers engaged to work in this Project have sound environmental standards and management practices in place. Therefore, all suppliers to the IPF/TA must be assessed to ensure compliance to the required environmental and social management standards. The assessment should be embedded in in the tendering, hiring and

contracting processes, and any due diligence measures required in the sourcing of supplies for the IPF/TA activities. The bidding documents for works will include specific requirements that minimize the use of workers from outside the vicinity. While hiring labour from local communities, the contractors will ensure that workers are hired as contract labour and not temporary/day wage labour to the extent possible. The contract documents for works as well as for monitoring consultants require explicit Codes of Conduct to be signed by all workers. Periodic mandatory training of all workers on SEA issues and Code of Conduct. The contractor shall develop a Gender Based Violence (GBV) Action Plan including an Accountability and Response Framework to be included in the contractor ESMP. The requirements of paragraphs 39 to 42 of ESS 2 will apply to primary supply workers.

## 2.2 Number of Project Workers

The FCSU is expected to have thirty workers made up of ten Consultants/contract; and twenty workers from the Civil service commission. The other participating agencies YESSO, FADAMA are identified below.

**Table 2.1: Estimated labour requirements for workers for the Proposed Intervention**

S/No	Participating Ministries/Government Agencies	No. of workers	Contract Staff/Consultants	Civil Servants
1.	Federal CARE Support Unit	30	10	20
2.	National Fadama Development Office	15	5	10
3.	Youth Employment and Social Support Operation (YESSO)	15	5	10
4.	Federal Ministry of Environment	5	-	5
5.	Federal Ministry of Finance	5	-	5
6.	Federal Ministry Humanitarian Affairs and Social Development	10	5	5
7.	Federal Ministry of Industry, Trade and Investment	5	-	5

## 2.3 Characterization of Labour requirements

Given the nature of the IPF/TA activities, workforce will comprise of both skilled and unskilled labor, technical staff, community representatives and government civil servants. The TA will also support states and local governments to hire more community worker (with priority on female workers) and propagating codes of conduct and ethics that would help make workplace more welcoming and supportive of female workers.

## 2.4 Project Implementation Schedule and Activities

The direct workers will be required full time and year around for the IPF/TA duration. Consultants will also be required full time and on an intermittent basis. The workers that will be required for the upgrading wet market to function safely will be required, as per the need. The upgrading of wet market will require that the contractors mobilize the labour force to coincide with the type of works and the season. The upgrading of wet markets is estimated to be implemented within a short-term period.

## CHAPTER THREE: KEY POTENTIAL LABOUR RISKS & MITIGATION MEASURES

### 3.1 Introduction

This chapter examines the potential labor risks and mitigation measures associated with the Nigeria COVID-19 Action Recovery and Economic Stimulus (CARES) for the Technical Assistance Component.

### 3.2 Potential Risks and Impacts

Majority of the activities in the N-CARES IPF/TA will require the use of ICT systems in office settling, procurements and will involve processing of applications and when ICT systems are being upgrade and for data management. The LMP will be implemented throughout the IPF /TA life cycle which is estimated to be between 18-24 months. Thus, interactions in the office environment, may pose a certain level of occupational, health and safety risks especially with the prevalent COVID-19 infection, especially if proper hygiene, safety precautions and social distancing measures are not adhered to. To prevent spread of COVID19, FCSU and all contractors will follow, and apply the Nigeria Center for Disease Control (NCDC) guideline /protocol on COVID 19 for all workers, ensure provision of basic handwashing / sanitation facilities including temperature testing equipment at all point of entry to the office and promote use of face mask/ shield where social distancing cannot be achieved.

#### 3.2.1 The identified potential risks and impacts

The identified risks and impacts in the Labour Management procedures are as follows:

Key Potential Risks.

- Exploitative wages due to keen desire to get jobs
- Over-time and excessive working hours without compensation and break periods
- Grievances from Gender-Based Violence
- Poor working conditions (unsafe work environment, lack of workers' rights, etc
- Possibility of forced labour and child labour
- Inequality during recruitment and discrimination against women, girls and vulnerable people
- Inadequate provision of Personal Protective Equipment (PPE)
- Delay in payment of remuneration fees, wages, stipends, salaries etc for consultants and project workers
- Unfair recruitment practices
- Potential risk of exposure to COVID 19 infection
- Increase in incidents and accidents during project implementation
- Inadequate or non-existence of compensation plan for accidents victims

### 3.3 Labour Management Plan

To have a well-defined plan for mitigating some of the potential risks above, Table 3.1 outlines the Labour Management Plan. The Federal CARES Support Unit (FCSU) will be responsible for monitoring and implementation of this LMP while the State CARES Coordination Unit and contractors will key into this LMP.

**Table 3.1: Labour Management Plan**

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
<b>LABOUR RISKS</b>			
<b>Exploitative wages due to keen desire to get jobs</b>	Program workers will be paid on a regular basis as required by national law and labour management with a principle of “equal pay for equal work”	Salary/Remuneration Pay-slip	FCSU
<b>Over-time and excessive working hours without compensation and break periods</b>	Design and implement Human Resource policies and procedures which should include guidelines with respect to: Minimum Wage; Minimum age of workers; working hours, contracting terms, leave, equality and diversity, collective bargaining, hiring, working conditions; provision of PPEs; recruitment etc.  Train workforce on all HR policies and protocols, labour standards and ensure workforce understand their terms and conditions prior to engagement	Presence of HR Policy  Random Sampling of workers who understand their terms and conditions of engagement  Record of Trainings on HR Policy and Protocols  Number of trainings organised	FCSU
<b>Grievances from Gender-Based Violence (GBV)</b>	Train workers on GBV (SEA risks) and ensure that they understand all protocols prior to engagement  Implement existing program GRM	Number of workers who received trainings  Number of GBV complaints and addressed	FCSU

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
		Presence of GBV Plan	
<b>Poor working conditions (unsafe work environment, lack of workers' rights, etc</b>	<p>Workstations must be conducive such as good sanitation facilities separate for male and female, well ventilated rooms, basic amenities (good ergonomics)</p> <p>All program workers will be provided with adequate periods of rest per day (break periods) sick leave, maternity leave as required by national law.</p> <p>Ensure that workstations, common areas are routinely cleaned and organized with appropriate signage in place and that grounds are maintained</p>	<p>Presence of good workstations / with adequate supply of basic amenities</p> <p>Regular monitoring of workstations</p> <p>Number of issues raised and addressed</p>	FCSU
<b>Forced Labour</b>	<p>Design and implement Human Resources Policies and Protocols in line with the requirement of Nigeria's Labour Act and ESS 2</p> <p>Procurement will ensure that no forced Labour exists in the program by developing terms of reference for all engaged staff (consultants/contract staff) gathering documents and appropriate proof.</p> <p>A consent section will be part of the employee signed employment contract.</p>	<p>Number of complaints received</p> <p>Number of complaints resolved</p> <p>Evidence of Terms of Reference</p>	Procurement Unit within the FCSU

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
	Contractors will ensure that if Labour is sourced from any subcontracting agency, the workers are not subject to coercion and forced Labour conditions.  Provide complaint box		
<b>Child Labour</b>	The minimum age of Eighteen (18) years will be enforced at recruitment.	Absence of minors within the workforce	FCSU Contractor
<b>CONTRACTOR</b>			
<b>Community grievances and social threats</b>	Develop, train and implement Workers' Code of Conduct  Develop and train workforce on Grievance Redress Mechanism  Monitor adherence to Code of Conduct.	Number of workers that received induction on code of conduct and GBV.  Presence of Code of Conduct and GBV  Number of GBV cases reported and resolved	FCSU
<b>Inadequate provision of Personal Protective Equipment (PPE)</b>	Provide PPEs and train workers on usage as appropriate	Number of PPEs provided  Number of incidents and accidents	FCSU Contractor
<b>Inequality during recruitment and discrimination against women, girls and vulnerable people</b>	The program should ensure non-discrimination in staff recruitment.  The employment of program 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, hiring and compensation	Total number of staff employed  Number of women employed	FCSU

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
<b>Unfair recruitment practices</b>	Develop pre-qualification screening procedure for all consultants/contractors and suppliers	Number of contractors pre-qualified	FCSU
	The FCSU should follow the in-country procurement procedures	Number of Procurement Consultant engaged	Task Team from the World Bank
	Enlist the assistance of a professional procurement consultant Potential consultants/contractors should be verified by the concern party from the World Bank Team.		
	The Task team of the Bank should closely supervise the Contractor Recruitment Plan and ensure fairness of Employment Terms and Conditions against the applicable and prevailing National regulations		
<b>OCCUPATIONAL HEALTH &amp; SAFETY RISKS</b>			
<b>Increase in incidents and accidents program implementation</b>	Develop and implement a Hazard Identification and Control Plan	Hazard Identification and Control Plan available	FCSU
	Update and train workers on OHS Management System	Number of incidents and accidents reported  Number of incidents and accidents addressed Presence of OHS system	Contractor

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
		Record and minutes of OHS Training	
<b>Poor working conditions, inadequate provision of Personal Protective Equipment (PPE)</b>	Implement and ensure workers understand the programme health and safety plan  Provide and train workforce on usage of PPE	Number of PPEs provided  Number of staff trained on use of PPEs	FCSU  Contractor
<b>Possibility of forced and child labour</b>	Develop worker engagement procedure	Workers Engagement Procedure developed	FCSU Contractor
<b>COMMUNITY HEALTH &amp; SAFETY RISK</b>			
<b>Fear due to COVID-19</b>	Implement social distancing and train program workers on COVID-19, regular awareness and sensitization on COVID-19 guidelines, enforce wearing of face mask, provision of basic sanitation facilities and temperature testing equipment etc. in line with NCDC protocol	Workers wearing the right PPEs (Facemask, Face-shield)  Number of staff trained on preventive measures / Numbers of available and functional COVID detection /prevention facilities.	FCSU Contractor
<b>Fear due to other communicable diseases</b>	Implement staff periodic medical/health surveillance and testing for communicable diseases.	Number of staff examined or submitted required medical certificate	FCSU Contractor
<b>Non-existence of compensation plan for accidents victims</b>	Avail staff of the awareness of program compensation policy  FCSU must ensure they follow the Labour Act and Compensation Plan for accident victims	Number of awareness workshops conducted and participants	FCSU Contractor

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
<b>Grievances and social threats</b>	Ensure the strict implementation of Labour Management Plan to minimize social unrest. Contractors should be hired through a systematic process.	Number of complaints reported and addressed	FCSU

### 3.3.2 Gender Based Violence

Gender Based issues have been receiving global attention. Nigeria’s diversity and distinct socio-economic, cultural and political contexts across the geopolitical regions and states results in different gender related vulnerabilities. While gender inequitable norms prevail throughout the country, these vary by region and interact with other structural, community and individual factors exposing women, girls and boys to some forms of GBV more than others. The socioeconomic status of women and girls in the northern zones lags behind those in the south: only 3 percent of girls in the North complete secondary school, over two-thirds aged 15-19 years are unable to read compared to less than 10 percent in the South, and 76 percent are married by age 18 in the northwest part of Nigeria. Efforts will be made to ensure that. N-CARES will ensure that GBV principles are implemented throughout the life cycle of the program.

#### Manifestations of GBV in the Workplace

The act of violence manifests itself in several ways in the workplace. To properly understand the act of violence or its manifestation, one must consider whether the act reflects and/or reinforces unequal power relations between males and females. Many—but not all—forms of GBV are criminal acts in Nigeria laws and policies.

- Physical Violence (such as slapping, kicking, hitting or use of weapons)
- Emotional abuse (such as systematic humiliation, controlling behaviour, degrading treatment, insults, and threats);
- 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).

## CHAPTER FOUR: BRIEF REVIEW OF LABOUR LEGISLATION

### 4.1 Introduction

This section outlines relevant labour laws, policies and regulations that are applicable within the scope of work in accordance with Nigeria and the World Bank requirement for this program. These requirements are seen in the sub-sections below:

### 4.2 Labour Policy Institutional Framework

The Federal Ministry of Labour and Employment (FML&E) has the authority and capacity to ensure appropriate labour management in the country; its institutional framework is adequate to accommodate and oversee the implementation of requirements under the World Bank’s ESS 2 – Labour and Working Conditions. Table 4.1 provides an overview of the relevant department within the FML&E

**Table 4.1: Summary of Relevant Departments within the FML&E**

Department	Functions
The Inspectorate	The Department is charged with the responsibility of ensuring compliance with all national and international Labour legislations connected with terms and conditions of employment, promotion of health and safety and sustenance of industrial peace and harmony. The department is also charged with the protection of children from child Labour especially in its worst forms.
The Social Security Department	The establishment of Social Security Department is to promote a coordinated and holistic approach to social security. The policy drafted by the NWC was in line with International Labour Organization (ILO) Convention 102, to provide a framework for international best practices based on set minimum standards. The policy is expected to provide the poor, weak and vulnerable an equitable access to medical care, employment, maternity care, survivor’s benefits, etc. The department collaborates with relevant stakeholders to regulate a well-focused, coordinated and effective National Social Security System
Employment and Wages	The Department is charged with the responsibility of initiating and implementing the employment and wages policies of the Federal Government of Nigeria and has the following functions: Formulation and implementation of employment policies. Registration and placement of unemployed applicants; Employment Exchanges Professional and Executive Registries; National Electronic Labour Exchange Coordination of Decent Work Country Program Wages administration through; Wages Monitoring Processing of Collective Agreements; Issuance of Recruiter’s Licenses. Labour migration management; Initiating and implementing programs on active aging

	Oversight functions over National Directorate of Employment
Office of the Registrar of Trade Union	<p>The office is a unit in the Trade Unions Services and Industrial Relations Department, a statutory office created by Section 45 of the Trade Union Act CAP T8 LFN 2004. The Registrar has the primary responsibility for the effective administration of the Trade Unions Act. Hence, the office of the registrar of Trade Unions has the following specific responsibilities:</p> <p>Registration of trade unions; Cancellation of certificate of registration of trade unions; Supervision of trade unions account:</p> <p>Issuance of guidelines and circulars to registered unions, highlighting observed shortcomings in their obligations under the provisions of the Trade Unions Act for effective administration of the registered bodies.</p> <p>Promotion of workers educational programs through lectures at trade unions organized seminars, workshops, symposia and conferences.</p> <p>Maintenance of records of registered offices, documents and particulars of registered unions.</p> <p>Attendance to courts in respect of relevant Trade Union matters.</p> <p>Collection of statutory fees as revenue for the government and paying same into the government coffers.</p>
Occupational Health and Safety	<p>The Factory Inspectors under the department are responsible for the enforcement of Factories Act 1990, Cap 126 Law of the Federation of Nigeria. They also oversee the implementation of several other subsidiary legislations, which provide for the safety, health and welfare of workers in all workplaces nationwide. The enforcement of Factories Act is done through:</p> <p>Registration of new factory premises, renewal of certificate of registration and amendment or revocation of certificate of registration.</p> <p>Special Inspection of workplaces; Prosecution of recalcitrant occupiers</p> <p>Investigation of accidents, dangerous occurrences and occupational diseases.</p> <p>Preparation of safety and health regulations, code of practice, guidelines and standards for various operations, processes and hazardous agents.</p> <p>Provision of occupational safety and health education to workers and employers.</p> <p>Recording and dissemination of information and statistics on all aspects of occupational safety and health through the national Occupational Safety Health Information Centres (CIC).</p> <p>Provision of technical assistance and advisory services to workplaces on HIV and AIDS interventions.</p>

Specifically, the ministry has various laws for protecting all employees, of relevance to N-CARES and LMP is the Labour Act, Chapter 198, Laws of the Federation of Nigeria (LFN) 2004: This Act covers general provisions including:

- Protection of wages
- Contracts of employment and terms and conditions of employment
- Fair treatment and equal opportunities of project workers.
- Hours of work and overtime
- Employment of women
- Labour health matters
- Prohibition of forced labour
- Labour complaints

### 4.3 Relevant Federal Labour Policies

#### 4.3.1 The Labour Act 2004

As indicated above, the following terms and conditions under the Labour Act are described in detail below in relation to the Technical Assistance to be provided in this programme.

- **Protection of Wages:** the wages of all project workers shall be made payable in legal tender or with prior consent of both parties in cheque and not otherwise. Wages shall become due and payable at the end of each period for which the contract is expressed (daily, weekly or at such other period as may be agreed upon), provided the period is not more than one month, the wages shall become due and payable at intervals not exceeding one month.
- **Contracts of Employment, Terms and Conditions of Employment:** no employer shall make any deduction or make any deductions from wages to be paid to project workers. An employer may with the consent of a project worker make deductions except with consent of the worker in terms of VAT, TAX, pension funds or other schemes as agreed by the worker and approved by the State Authority. Not later than three months after the beginning of a project worker's period of employment with an employer, the employer shall give to the worker a written statement specifying- (a) the name of the employer or group of employers, and where appropriate, of the undertaking by which the worker is employed; (b) the name and address of the worker and the place and date of his engagement; (c) the nature of the employment; (d) if the contract is for a fixed term, the date when the contract expires
- **Hours of work and overtime:** this shall be in line with federal government regulations and as maybe stipulated by the programme management at the federal level. However, being a project environment, the normal working hours shall be from 8am to 5pm with one-hour interval break period.
- **Benefits:** project workers shall be entitled to holiday with full payment of wages after twelve months of continuous service including sick leave.

#### 4.3.2 Occupational Health and Safety

Based on TA component under the N-CARES programme, it is envisaged that most of the risks are occupational. The requirements of the ESS2 on Occupational Health and Safety is to carry out risk assessments and develop appropriate risk prevention and mitigation measures. The OHS

measures herein, will be summarized based on country’s OHS legislation and the Environmental and Social Guidelines (ESHG) of the World Bank Group.

Should the Nigeria’s OHS guideline differ from the ESHG (World Bank Guidelines), then the more stringent one should be applied. However, if the less stringent guideline is chosen or more appropriate measures than those provided in this ESH Guideline below probable based on specific project circumstances, a full and detailed justification for any proposed alternatives should be provided by the proponent as part of the site-specific environmental assessment. This justification should demonstrate that the choice for any alternate performance levels is protective of human health and the environment.

**Table 4.2: Nigeria Occupational Health and Safety**

Sector	Potential Impacts	Parameter Guideline
OHS	OHS Incidents, Accidents or death	An employee is entitled to payment of compensation with respect to any accident sustained while at work or on official assignment.  In every case of an injury or disabling occupational disease to an employee in a workplace, the employee, or in case of death the dependent, shall within 14 days of the occurrence or receipt of the information of the occurrence, inform the employer by giving information of the disease or injury to a manager, supervisor, first-aid attendant agent in charge of the work where the injury occurred or other appropriate representative of the employer. Failure to provide the information required will bar claim for compensation
	Poor working conditions, inadequate provision of Personal Protective Equipment (PPE)	Develop and Implement OHS plan and ensure workers understand their terms of engagement and rights  Provide and train workforce on usage of PPE
	Physical Injuries	Suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings, shall be provided and maintained for the use of such workers.
	Inadequate or non-existence of compensation plan for accident victims	Implement and train workers on the HR Policies  FCSU/ must ensure they follow the Labour Act and Compensation Plan for accident victims
	Grievances and social threats	Ensure the strict implementation of Labour Management Plan to minimize social unrest. Staff should be hired through a transparent and competitive process.

		Develop and train workers on emotional intelligence, Interpersonal relations and stakeholders’ management.
	Fire Incidents	The project buildings shall be designed and operated in full compliance with local building codes, local fire department regulations, local legal/insurance requirements, and in accordance with an internationally accepted life and fire safety (L&FS) standard
	Possibility of forced and child labour	Develop worker engagement procedure and follow the HR Policy
	Fear of Occupational Health and Diseases,	Develop, train and Implement programme workers on incident Prevention and Control (IPC) for COVID-19 and other diseases, regular awareness and sensitization on work-related lifestyle related diseases.
	waste generation	Establish waste management priorities at the onset of activities based on an understanding of potential hazard associated with the waste.  Project workers shall ensure and practise reuse and reduction of papers and other recyclable waste materials.  All waste generated should be collected and disposed using the best environmental technology

#### 4.3.3 Other Federal Legislation

**Factories Act, 1990:** The 1990 Factories decree is a landmark legislation in occupational health in Nigeria. It provides a substantial revision of the colonial legislation, Factories Act 1958, in which the definition of a factory was changed from an enterprise with 10 or more workers to a premise with one or more workers thereby providing oversight for the numerous small-scale enterprises that engage the majority of the workforce in Nigeria. It stipulates the enforcement of compliance on factories, industries and organizations that employ labour on the protection of the right of workers to friendly environment, health and safety.

**Factories Act, Cap F1, LFN 2004:** The Act -

- Provides a legal framework for the regulation of safety standards for the operation of factories in Nigeria; and
- Sets out minimum standards for clean and conducive working environments.

**Worker’s Compensation Act (2010):** The Act provides compensation to employees who suffer from occupational diseases or sustain injuries arising from accidents at workplace or in the course

of employment. Payment of compensation (to the worker or to his dependents in case of death) by the employer is rooted in the accepted principle that the employer has a duty of care to protect the health, welfare and safety of workers at work. The specific amount will be determined by the programme management at the federal in consultation with the World Bank.

**National Minimum Wage Act, 2010:** National minimum wage in Nigeria is determined by the Government. Government is empowered to set up "industrial wages boards" for specific sectors or geographical areas where it considers wages to be "unreasonably low" or where there is no adequate collective bargaining machinery for the effective regulation of wages or other conditions of employment of those workers.

Generally, wage rate is determined by the applicable collective agreement or the agreement between the worker and the employer. Section 15 of the Labour Act states that wages shall become due and payable at the end of each period for which the contract is expressed to subsist (daily, weekly, monthly or at such other period as may be agreed upon) provided that where the period is more than one month, the wages become due and payable at intervals not exceeding one month. The recently agreed minimum wage in-country is N30,000/month.

#### 4.4 Bank Environmental and Social Standards

The World Bank has in place a number of environmental and social safeguards standards, which are aimed at preventing and mitigating undue harm to people and their environment in any development projects involving the Bank. The Bank recently approved the new Environmental and Social Framework which consists of ten standards, of importance to this program is the ESS 2: Labour and Working Conditions. They are designed to help ensure that projects proposed for Bank financing are environmentally and socially sustainable.

#### Environmental and Social Standards (ESS 2)

ESS 2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers shall 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 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) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate
- To prevent the use of all forms of forced Labour and child Labour.
- To provide project workers with accessible means to raise workplace related concerns, grievances etc.

#### 4.45 World Bank Environmental, Social and Health Guidelines (ESHG)

The OHS measures will be designed to address identification of potential hazards to project workers (Direct, Contracted and Consultants) particularly those that may be life threatening; provision of preventive and protective measures via modification, substitution or elimination of

hazardous conditions; training of project workers; emergency prevention and preparedness and response arrangements to emergency situations; documentation, reporting and remedies of accidents and incidents.

The following guidelines should be adhered to:

- Identify all occupational hazards and associated risks early as possible for programme life cycle.
- Involve ESH professionals, who have the experience, competence, and training necessary to assess and manage ESH impacts and risks
- Conduct risk assessment to understand the likelihood and magnitude of ESH risks associated with this project based on: whether the project will involve hazardous materials or processes; the potential consequences to workers, communities, or the environment if hazards are not adequately managed, which may depend on the proximity of project activities to people or to the environmental resources on which they depend
- Prioritize the risk management strategies with the objective of achieving an overall reduction of risk to human health and the environment
- Favour strategies that eliminate the cause of the hazard at its source, for example, by selecting less hazardous materials or processes
- When impact avoidance is not feasible, incorporate engineering and management controls to reduce or minimize the possibility and magnitude of undesired consequences, for example, with the application of pollution controls to reduce the levels of emitted contaminants to workers or environments.
- The OHS performance should be monitored.

**Table 4.3: Comparison Between ESS 2 and Nigeria Labour Legislation**

Areas	Nigeria Labour Legislation	ESS2: Labour & Working Conditions	Identified GAPS	Measures to Address Identified Gaps
<b>Minimum Age</b>	Sixteen Years and above	Fourteen years and above	The disparity in age of engagement	The Nigeria Labour legislation is preferred in this instance. However, Birth Certificate or Sworn Affidavit should be used for screening and confirmation of age labour
<b>Forced Labour</b>	Any person who requires any other person, or permits any other person to be required, to perform forced labour contrary to section 34 (1) (c) of the Constitution of the Federal	All work associated with this project shall be performed voluntarily without coercion or any form of threats. Forced labour in this context can be any form of indentured labour.	Both Condemn forced labour	There should be periodic Screening Checks and Monitoring for Forced Labour.

Areas	Nigeria Labour Legislation	ESS2: Labour & Working Conditions	Identified GAPS	Measures to Address Identified Gaps
	<p>Republic of Nigeria 1999, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N1,000 or to imprisonment for a term not exceeding two years, or to both.</p>			
<b>Protection of Wages</b>	<p>Wages shall become due and payable at the end of each period that is to say daily or weekly.</p> <p>No employer shall make any deduction or make any agreement or contract with a worker for any deduction from the wages to be paid by the employer</p>	Same	Both protect Worker wages.	There should be an effective Grievance Redress Mechanism for Complaint that may arise as a result of irregularities in wages payment by the employer.
<b>Non-discrimination and Equal Opportunity.</b>	There is no defined Labour management procedure to guide developmental projects	The standard recognizes that the project will make use of various categories of workers, direct and indirect workers such as contract staff and primary suppliers.	The ESS2 provides a unified approach while the National Labour legislation does not.	The N-CARES programme will implement the ESS2 and ensure that non-discrimination and Gender Issues are implemented.
<b>Hours of Work</b>	Working hours shall be agreed mutually or by collective bargain	Same	Both say the same thing.	A Staff Register will be maintained in all work locations to capture worker time of resumption and departure
<b>Institutional Cooperation regarding labour risk management</b>	Lack of synergy between FMEnv and Ministry of Labour and Employment limits the efficiency and effectiveness of Labour risks on projects	Procedures for managing these Labour management risks and impacts are infused herein	Lack of Unified Standard for the Nigerian Labour legislation.	N-CARES programme will adopt improved consultation with both ministries seeking more collaboration throughout the

FINAL REPORT – Labour Management Procedures for CARES project.

Areas	Nigeria Labour Legislation	ESS2: Labour & Working Conditions	Identified GAPS	Measures to Address Identified Gaps
				duration of the project.
<b>Standard and Resources for OHS management</b>	Inadequate resources, capacity, standardized tools for effective implementation and monitoring of OHS standards	Adequate OHS Procedures are set out according to ESHS	There are no adequate resources, resources and standardized to implement OHS.	The N-CARES programme will implement the Provisions of ESS2.
<b>Gender Issues</b>	No provision in Labour Act that prohibits sexual harassment or any other kind of harassment as an employee. However, there is a subsisting National Act addressing sexual harassment.	The procedure forbids sexual harassment of any kind especially once the grievances have been reported	The Labour ACT did not make provisions for Gender issues like sexual harassment, Sexual Exploitation and Abuse (SEA)	Gender-based principles as provided by ESS2 will be implemented in the N-CARES programme.
<b>Terms &amp; Conditions of Employment</b>	The country's labour law recognizes that employers must provide the employee with clear agreement terms within the engagement letter termed "Contract Agreement" whether written or verbal within the first 3 months	Provisions of clear information and documentation are provided at the onset of working relationship	Both have documented evidences, but the procedures could differ,	The N-CARES programme will implement the ESS2 provisions.
<b>Workers' Organization</b>	National legal framework is robust and implemented well in the formal sector, however, casual workers are not given the same benefits (such as compensation for injuries, right to belong to trade unions and bargain collectively, various social security benefit, unequal pay, forced Labour, absence of grievance redress mechanism)	This standard makes provisions for borrowers to promote sound worker-management relationships and enhance the development benefits of a project by treating all workers in the project fairly and providing safe and healthy working conditions.	Both provisions have provided to take care of Workers health and conditions. However, the National legal framework does not have Grievance Redress Mechanism (GRM0)	The N-CARES programme will implement the ESS2 provisions in this regard.

#### 4.6 International Labour Legislation

The project will be guided by the following international regulations

- International Labour Organization (ILO)
- Africa Regional Labour Administration Centre (ARLAC)
- Organization of African Trade Union Unity (OATUU)
- Africa Union, Labour and Social Affairs Commission (AULSAC)
- Organization of Trade Union of West Africa
- Pan African Employers Association
- Pan African Productivity Association (PAPA)
- International Social Security Association (ISSA)

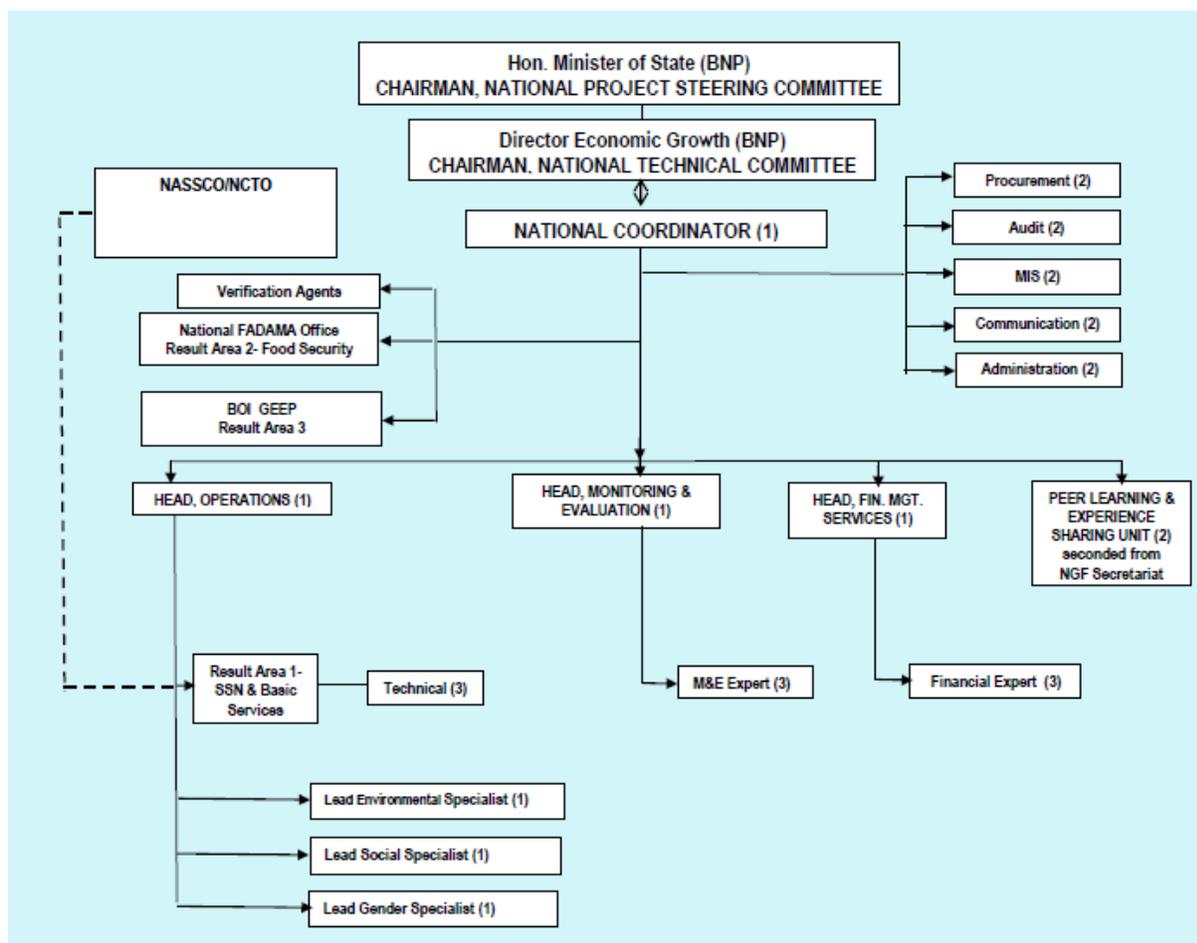
Their mandate as relevant to the N-CARES include:

- Development and promotion of productive employment policies and programs.
- Stimulation and enhancement of National Productivity Consciousness, rewards for excellence and promotion of national competitiveness.
- Skills Development, upgrading, certification, placement in various areas of national needs.
- Provision of Social Security Coverage, Welfare and Employee's Compensation to the nation's workforce.
- Provision of Labour Protection Services, supervision, enforcement, Education, Promotion of Social Justice, Ratification, Implementation and Review of National Labour Laws and Policies.
- International Labour Diplomacy.
- Occupational Safety and Health.

## CHAPTER FIVE: ROLES AND RESPONSIBILITIES FOR MANAGING THE LMP

### 5.1 Introduction

The FCSU at the federal level shall be responsible for the Implementation of this LMP prepared for the IPF/TA activities under the program. This includes occupational safety, health and welfare of workers, and ensure contractor compliance.



**Figure 5.1: Organogram of Federal CARES support Unit (FCSU)**

#### 5.1.1 Federal Level Support

This shall consist of a three-level implementation structure at the federal level. The FCSU shall be chaired by the Minister of State, Federal Ministry of Finance, Budget and National Planning (FMFBNP). This office will provide the policy guidelines for the programme.

The FCSU will coordinate and develop strategies required for managing the prevalent risk in the CARES programme. The FCSU will be staffed with personnel to carry out the function of technical assistance, procurement, financial management, monitoring and evaluation, social and environmental aspects including gender. They will be required to deploy technical skills knowledge, expertise and allocate the needed financial resources required to achieve the set target.

They will ensure that risks are identified, evaluated and managed by ensuring that proffered mitigations measures are suitable and adequate to reduce the identified risk levels in the programme.

### **5.1.2 Specific Responsibilities of the LMP are outlined below:**

The specific roles of the LMP are examined with a view to having a proper understanding of the oversight responsibility for the management of all labor issues associated with the project.

#### **Occupational Health and Safety**

Contractors must engage a minimum of one Health Safety and Environment (HSE) officer in every team to ensure the day-to-day compliance with specified health and safety measures and records of any incidents. Minor incidents and near misses will be reported to the SPIUs (through the SPIU Environmental Officer) on a monthly basis, serious incidents should be reported immediately and not later than 24hrs. Minor incidents will be reflected in the quarterly reports to the World Bank, while major accidents/deaths should be flagged to the World Bank within 48hrs.

#### **Labor and Working Conditions**

The workers to be engaged for works and services shall provide evidence of having been trained to carry out such works/services. Certificates of Training/Competence shall be provided, this can be in the form of academic certificate /professional certificates i.e., evidence of having been trained through skill development program to carry out such services. Contractors will keep records in accordance with specifications set out in this LMP. The SPIUs may at any time require records to ensure that Labor conditions are met. Where issues are spotted, the SPIU will ensure that immediate remedial actions are implemented. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

#### **Worker Grievances**

Contractors must engage a minimum of one social officer in every team to handle issues relating to social risks. The SPIUs (through the social officer) will review the effectiveness of the workers grievance redress mechanism as stipulated in section 4 and ensure that all complaints by workers are resolved. The SPIU will report this as part of the quarterly E&S reports to the World Bank.

#### **Additional Training**

The contractor will set up a system of daily HSE Toolbox meetings (PEP talks), routine safety trainings and specialized job trainings for workers. Trainings will form part of the contractor's responsibility. The contractors HSE officers will provide safety instructions to contractor staff. The SPIU will liaise with contractors to deliver trainings to address risks associated with Labour influx including GBV/SEA. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by the SPIU, as specified by the contract.

#### **Occupational Health and Safety compliance**

The contractor shall comply with all provisions of the LMP, including pre-qualifications required by the Health, Safety and Environmental policy in accordance with ESS2, the site-specific ESMPs that will be prepared, including occupational health and safety plans, emergency plans amongst others. In addition, contractors shall procure the necessary PPE and First Aid kit for use during project implementation and these will be included in the Bill of Quantities (BoQs). The Contractor shall organize training for workers on the use of PPE and First Aid kit (see sample training plan in Annex 1). It is also expected that every contractor will have an HSE Manual which will demonstrate the company's personnel commitments to HSE compliance

## 5.2 Responsibilities of the Safeguard Specialist

The Safeguard Specialist shall be under the direct supervision of National Coordinator, with the following duties.

- 1) Organize local-level capacity building and interaction programs on environmental screening and environmental awareness as well as organize national level consultations with major stakeholders;
- 2) Prepare national guidelines, tools and notes for use in the program based on relevant environmental, labour policies, acts and regulations/ directives of the Government of Nigeria and relevant safeguard policies of World Bank;
- 3) Coordinate and guide consultant engaged to carry out verification of DLI results in line with ESS2 requirements.
- 4) Assess the adequacy of implementation of safeguards mitigation measures and the capacity of the institutions and agencies responsible for environmental safeguards issues, as they relate to the program. Provide technical and problem-solving support and selective training to individuals and stakeholders responsible for implementation of safeguard processes and mitigation measures;
- 5) Evaluate environmental and social risks associated with program activities;
- 6) Coordinate all E&S risks both at the Federal and State level in coordination with the E&S staff at the State Program Support Unit.
- 7) Produce monthly, quarterly and annual reports in a manner understood by non-technical people for effective dissemination purpose;
- 8) Develop in liaison with FPSU MIS Specialist an information management system/database on safeguard aspects, including a system to track the project's relevant documents and records.
- 9) Facilitate the implementation of the project's Grievances Redress Mechanism (GRM) by monitoring the status of grievances, facilitating their resolution, maintaining documentation, and reporting the progress through monitoring reports;
- 10) Prepare and submit timely and regular progress reports indicating full compliance with this LMP and other safeguards requirements under the program;
- 11) Develop a system for continuous stakeholders' consultation with consideration for women and other vulnerable in decision regarding program activities.

## **CHAPTER SIX: POLICIES AND PROCEDURES FOR LABOUR IMPACT MANAGEMENT**

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, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures shall be followed by programme management to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender;
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post;
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract;
- All workers shall be required to submit two letters of recommendations, at least one from previous employers
- Employees shall be informed at least one month before project closure or termination of contract appointment. In the case of disciplinary action, the provisions of the Staff Regulations and conditions of service shall apply.
- In addition to written communication, an oral explanation of conditions and terms of employment shall be provided to workers.

### **6.1 Child Labour and Minimum Age of Employment**

Although age for employment in Nigeria differs, the project will only engage person at minimum age of sixteen (16) and this will be enforced at recruitment. 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.

#### **6.1.1 Forced Labour**

The TA Component shall not allow any form of forced labour and every effort must be made to ensure that all workers, work without any form of restrictions on their movement. The FCSU shall not limit workers' ability to use the toilet, eat, perform religious prayers and take breaks during work periods.

### **6.2 Terms and Conditions of Employment**

Terms and conditions of direct workers are determined by their individual contracts, public service rules (for government staff) and the provisions of the staff regulations and conditions of service.

#### **6.2.1 Non-discrimination and Equal Opportunity**

In Nigeria, common grounds of discrimination in the workplace include gender (against women), disability, health status (against carriers of HIV/AIDS), physical appearance and organizational affiliation including tribes, states of origin, religion etc. Therefore, the FCSU shall monitor discriminatory practices not only in hiring procedures but throughout all stages of employment.

### **6.2.2 Worker Privacy**

The FCSU shall comply with international standards aimed at safeguarding workers' right to privacy. Any personal information that the FCSU gathers about its workers shall be used for the intended purposes which the worker must be aware of. Personal information about a worker must be collected directly from the worker unless he/she consents, in writing, to the third-party release of personal information. Where workers are being monitored including the use of CCTV cameras, the FCSU shall ensure that such practices do not violate workers' right to privacy. Hence, regardless of how the FCSU decides to monitor its workers, its monitoring practices must be reasonable, proportional and justifiable to the project needs served.

#### **(i) Staff Insurance and Other Matters**

All FCSU staff are encouraged to take pension, Group Personnel Life and Accident Insurance Scheme. The FCSU may facilitate these schemes for the benefit of staff on a voluntary, equitable and contributory basis. There shall not be any financial obligation on FCSU. Payment for Insurance therefore is not an eligible expenditure under the IDA. Therefore, Government Contribution can be used for health and Group Insurance for FCSU staff, but this is subject to the approval of Supervisory ministry/Agency/Body.

#### **(ii) Annual Leave**

It is the responsibility of the Administrative Officer of the FCSU to compile an annual leave roaster in collaboration with the Heads of Departments and the approval of the National Coordinator at the beginning of the year. An annual leave can be taken in two instalments. Any leave not taken within the calendar year shall be deemed forfeited unless there is express approval of the National Coordinator.

#### **(iii) Casual Leave**

A maximum of seven days casual leave may be granted to a staff based on the recommendation of the HOD or NC. Staff can only enjoy casual leave after exhausting his/her annual leave for the year. Casual leave in excess of seven days shall be monetized and deducted from the staff's benefits.

#### **(iv) Sick Leave**

A sick leave on full pay may be granted by the FCSU subject to a maximum of three months on the production of a medical certificate signed by a government Medical Officer or medical practitioner approved by government. The FCSU may extend the sick leave for additional period of three months. Thereafter, if the employee is still unfit to resumed duty such employee may be invalidated.

#### **(v) Maternity Leave**

All female staff who are pregnant or those who have adopted an infant through legal means with proper documentations shall be entitled to 16 weeks maternity leave with full pay. The annual leave for that year shall be regarded as part of the maternity leave.

**(vi) Public Holidays**

There shall be public holiday for all staff as approved by the Government and this shall be properly communicated by the administrative Officer.

## CHAPTER SEVEN: GRIEVANCE REDRESS MECHANISM (GRM)

Workers must have the right to submit grievances regarding workplace concerns without the threat of adverse employment action or prejudice. Complaints may range from dissatisfaction with work hours and rest periods to claims of coercion, intimidation or abuse. In order to facilitate the expression of these complaints;

- The FCSU /contractor/consultant must work with the workers or their representatives to establish and maintain an effective grievance mechanism through which workers can lodge complaints.
- Workers grievance and complaints boxes must be put in place at vantage places where workers can log their complaints anonymously.
- The contractors must inform all workers about the grievance mechanisms put in place.
- The grievance mechanism should serve three key functions.
  - It should serve as a focal point of communication across the organization where workers can report and receive advice on grievances, from which concerns and grievances are channelled to management.
  - The mechanism should be mandated to identify remedies to be implemented through internal procedures in the form of corrective action, mediation, settlement or dispute resolution.
  - The mechanism should have the capacity to direct complainants or hand over cases to appropriate external mechanisms, including state-based mechanisms, such as courts.
- The internal grievance redress mechanism should not in any way prejudice the complainant's ability to seek recourse through external mechanisms.
- Any worker filing a grievance must receive notice of the contractor/employer's finding regarding his or her particular complaint and whether corrective action will be taken.

### 7.1 Purposes of GRM

The purposes of a well-established and well-functioning GRM are to;

- Ensure that grievances, complaints and concerns are addressed and resolved in a fair, transparent and easily accessible manner in order to achieve the goals of restoring positive relationships with project workers (Direct and contracted workers)/
- Be responsive to the needs of project workers and to address and resolve their grievances;
- Serve as a conduit for soliciting inquiries, inviting suggestions, and increasing project workers participation;
- Collect information that can be used to improve operational performance;
- Promote transparency and accountability
- Deter fraud and corruption and mitigate project risks
- Facilitate timely feedback from project workers about N-CARES in order to support the project's commitment to continuous improvement

## 7.2 Process Steps

**Step 1: Publicizing Grievance Redress Mechanism Manual:** GRM manual should be publicize and make sure, the availability of manual to all program workers.

**Step 2: Receiving and Keeping Track of the Grievances:** Once programme workers are aware of the mechanism and use it to address grievances, there is need of processing the grievances. The Processing activities includes: (1) collecting grievances; (2) recording grievances as they come in; 3) registering them in a central place; and 4) tracking them throughout the processing cycle to reflect their status and importance.

**Step 3: Reviewing and Investigating Grievances:** All grievances will need to undergo some degree of review and investigation, depending on the type of grievance and clarity of circumstances.

**Step 4: Developing Resolution Options and Preparing a Response:** Once the grievance is well understood, resolution options can be developed taking into consideration program workers preferences program policy, past experience, current issues, and potential outcomes;

**Step 5: Monitoring, Reporting and Evaluating a Grievance Mechanism:** Monitoring and reporting can be tools for measuring the effectiveness of the grievance mechanism and the efficient use of resources, and for determining broad trends and recurring problems so they can be resolved proactively before they become points of contention. Monitoring and reporting also create a base level of information that can be used to report back to FCSU Management.

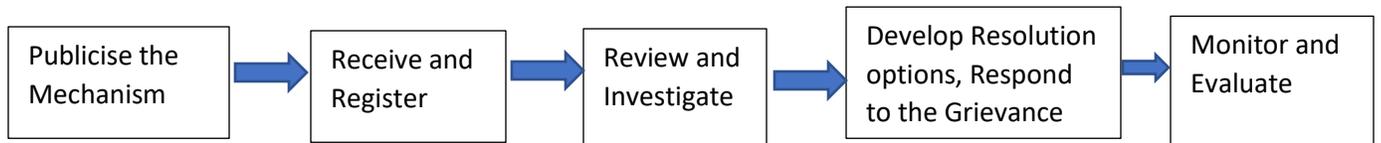


Figure-7.1 Complaints Registration Process in CARES programs

## 7.3 Importance of the GRM to N-CARES Programme

This Grievance Redress Mechanism (GRM) section introduces this program to the overall GRM of the CARES programme. In order to ensure transparency and accountability in the programme, a grievance redress mechanism (GRM) to address program/ workers-related grievances will be established by the FCSU. The GRM will help FCSU in the following manner:

- Provides a forum for resolving grievances and disputes at the lowest level;
- Resolves disputes relatively quickly before they escalate to an unmanageable level;
- Helps win the trust and confidence of project workers (direct and contracted workers), in the program and create a harmonious workplace;
- Helps avoid program delays and cost increases and improves quality of work.

## 7.4 Grievance Handling Procedure in N-CARES Project

The received grievances will be registered into standard database, analysed and categorized by the ESM specialist for CARES. Below are the main components of CARES Grievance Handling Procedure.

### 7.4.1 Grievance Redress Committees (GRCs)

CARES will establish Grievance Redress Committees at the subproject level, State level and HQ level to redress the grievances of the Affected Persons (APs)/ Households (HHs) or process stakeholders' comments. The GRCs at different levels don't have any legal mandate or authority but act as a facilitator on a voluntary basis trying to resolve issues between the complainant and the CARES project. Any member of the subproject GRC elected by the members of GRC at subproject level will be focal point of GRM at subproject level. The subprojects level GRC reports to the SPIU at the state levels. At this level the state SPIU mediates and monitors their activities. While ESM specialist will be GRM focal point at HQ level.

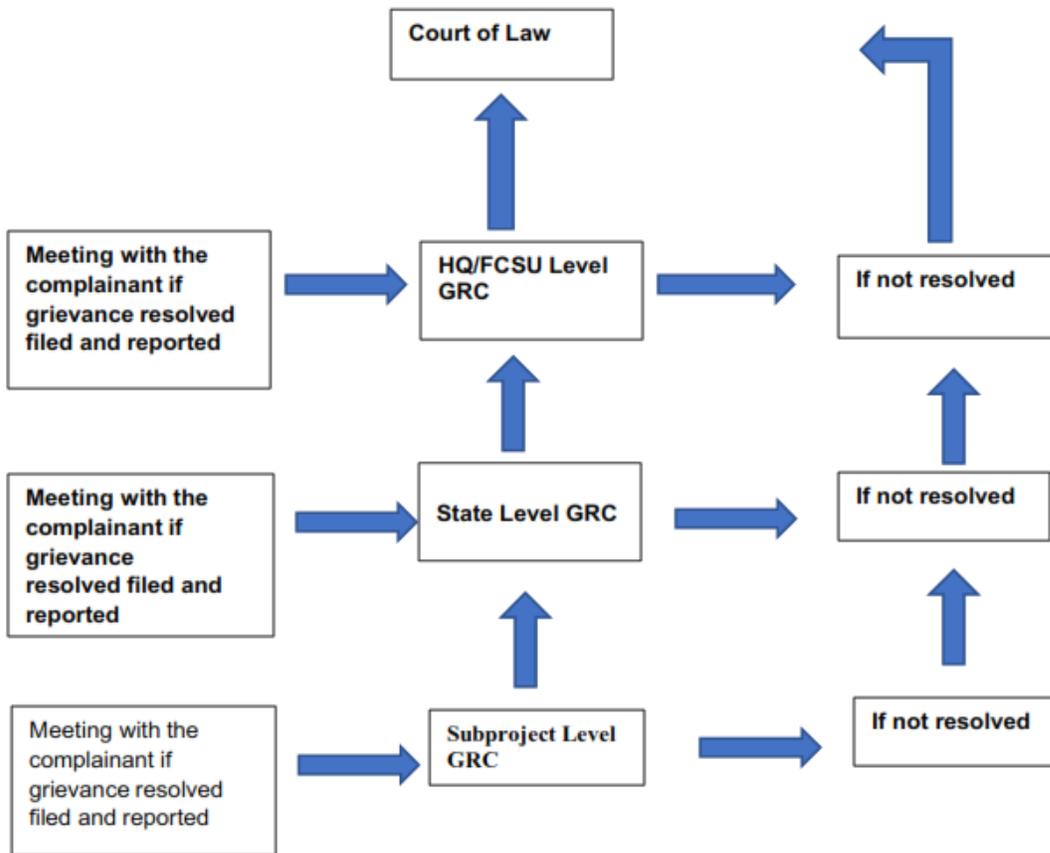
### 7.4.2 Meeting Schedule of GRCs

Subproject level GRC will meet every 10 days and minutes of the meeting will be taken by any one of the GRC members. At the state level the GRC will meet once in two weeks; while meeting for HQ level GRC will be held once in a month but if there are more cases this GRC can meet more than once in month. Minute of this meeting will be prepared by ESM unit which will be circulated to all the GRC members. The progress on Minutes of Meeting will be discussed in next meeting with special emphasis will be given to pending concerns/ issues.

### 7.4.3 The complaints & grievances would be address through the following sequence

- Complaint resolution will be attempted at sub-Project level GRC who has 10 days to decide on the case
- If Subproject level GRC fails to resolve the grievance, Grievance is forwarded to GRC at SPIU level who has 14 days to decide on the case.
- If the SPIU failed to be resolved at his level, then the Grievance is forwarded to GRC at HQ level. HQ level GRC has 20 days to resolve the grievance
- If the grievance redress system fails to satisfy the APs, they can pursue further by submitting their case to the appropriate court of law.

Figure 9.2: Schematic diagram on the Procedure of Dealing with Grievances



## 7.5 Communication Strategy

The GRM procedures to be followed for all the collaborating agencies and Ministries projects will be coordinated by the FCSU and handled by the Grievance Redress Mechanism. A communication

campaign will ensure that beneficiaries, CDC and communities, staff and other stakeholders know where

and how to submit grievances. The CARES's related Grievances should be received from different channels as directed in CARES Grievance Redress Manual.

## 7.6 Institutional Arrangements and Capacity building

### 7.6.1 GRM Institutional Arrangement

In order to implement the GRM and functionality of GRC ESM specialist (GRM focal point at FCSU) is responsible to oversee and supervise the grievances reporting and GRM database.

### 7.6.2 GRM Implementation

The GRM manual shall be used by the FCSU to manage all grievances on the programme at the federal level. In order to have proper implementation of GRM, first of all project workers shall be aware of the provisions of the manual.

### 7.7 Worker Feedback system

The worker feedback system will log all grievances, issues and concerns raised by workers during engagement sessions. The system will also record information on measures to address issues, timeframes, personnel responsible and any subsequent feedback that is required.

### 7.8 Accident and Incident Recording

#### *Reporting and Investigation System*

The number and type of all accidents and incidents including near misses occurring during the construction phase shall be recorded including the corrective actions required to address them. In addition, the system should identify roles and responsibilities for recording, reporting and investigating incidents and for corrective action planning.

### 7.9 Community Feedback

#### *Complaints and Grievance System*

Community complaints and concerns will be captured and addressed through the main Grievance Redress Mechanism (refer to Stakeholder Engagement Plan).

### **Information on Disclosure**

This LMP will be reviewed periodically. It is one of the foundational documentations required during the planning stage of the LMP in English will be made accessible for the general public at the following locations:

- Federal Ministry of Finance;
- Federal CARE project support head office;
- National FADAMA office
- Federal Ministry Humanitarian Affairs and Social Development;
- Federal Ministry of Industry, Trade and Investment
- YESO project (Federal Ministry of Health)
- Federal Ministry of Environment

Other Federal Ministries and Departments and Agencies in Nigeria, Electronic copies of the LMP will be placed on the website of the Bank and at each implementing agencies. This will allow stakeholders with access to Internet to view information about the planned development and to initiate their involvement in the public consultation process. The website will be equipped with an on-line feedback feature that will enable readers to leave their comments in relation to the disclosed materials.

The mechanisms which will be used for facilitating input from concerned persons will include press releases and announcements in the media, notifications of the aforementioned disclosed materials to local, regional and national NGOs, relevant professional bodies as well as other interested parties.

This document can also be made available to the workers of all the concerned government Ministries and Agencies through the following media: website, e-mail, handbooks and during in-house trainings.

#### **7.10 Timetable for Disclosure**

The disclosure process associated with the release of project E&S appraisal documentation, as well as the accompanying SEP, LMP will be implemented within the following timeframe:

- Placement of the LMP in public domain – Dates to be confirmed by the FCSU and the above Implementing Agencies.
- 21-day disclosure period – Dates to be confirmed by the FCSU and the above Implementing Agencies.
- Following the approval of the LMP document for disclosure, then the document is published in three (3) widely read Newspapers; radio jingles/announcements are carried out, jingles on radios at prime time, for at least twice a week.
- Federal Ministry of Environment published document on its website;
- The World Bank also publishes the LMP document on its external website.

## CHAPTER EIGHT: CONTRACTOR MANAGEMENT

### 8.1 Introduction

Selection of consultant / contractors shall be made according to the World Bank procurement procedures and occupational health and safety as provided in the World Bank Standard Procurement Documents and Nigerian laws. The FSCU after receiving bids from the contractors shall ensure that the contractors are legitimate and have permits according to the Nigeria law, and the necessary professional bodies. This LMP form an integral part of the bidding documents to be issued to consultant/contractors and shall form part of the awarded contracts to all consultants/contractors under the IPF/TA activities.

In addition, proper training and orientation shall be given by the FCSU and the Environmental and Social safeguards specialists on different stages of awarding contracts and implementation to contractors, to ensure full understanding and compliance. The IPF/TA program will maintain numerous business stakeholders such as contractors, and other third-party suppliers, it is advisable to inform the contractors and other third suppliers about their commitment and obligation to ensuring worker welfare and safety which must be included in clause 10 of the ESS2 contractual agreement.

The IPF/TA program will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labour management procedures. This may include periodic audits, inspections, and/or spot checks of project locations as well as of labour management records and reports compiled by contractors.

### 8.2 Verification, Monitoring Mechanism and Reporting

In realization of the project objectives for the Result Area (4) several layers of monitoring systems will be instituted as part of Labour Management Plan. These will include the following:

### 8.3 Human Resources Employee Database

There shall be a database of all workers employed under the N-CARES Project. The database will record information on the personal details of employees (such as home address, next of kin/emergency contact); their job description, role and responsibilities, training records and training needs, etc.

### 8.4 Contractor Database

There shall be comprehensive database of all primary and secondary contractors for N-CARES the Project. The database will record a summary of their scope of work, business origins, and a brief profile about history of compliance to environmental and social standards.

### 8.5 Supply Chain Database

This will contain information of the key suppliers which will be used to monitor the primary supply chain and record results of risk assessments for incidents of child and / or forced labour and significant environmental safety issues.

## ANNEXURE

### Annex 1: Sample of Risk Assessment Tool

Hazard Identification	Categorize Hazards	Control Hazards	Decision Makers
<p>What are Hazards? Danger which threatens physical harm to employees</p>	<p>Who or what may be harmed?</p> <p>Identify groups of people, materials, equipment that can be hazardous?</p> <p>People who may not be in the workplace all the time;</p> <p>Analysed the workstation, interaction with other workers</p>	<p>List what is already in place to reduce the likelihood of harm or make any harm less serious</p>	<p>Make sure risks are reduced “so far as is reasonably practicable”. An easy way of doing this is to compare what is being done with best practice. If there is a difference, list what needs to be done</p>
<p>Recognizable and Foreseeable Hazard</p> <ol style="list-style-type: none"> <li>1. Look and walk around, what do you see? Conduct wide surveys.</li> <li>2. Categorize Hazards into Materials, Environment, Equipment, People and System (MEEPS)</li> <li>3. Review documentation by checking safety instructions.</li> <li>4. Ccontacting your supervisors</li> </ol>	<p>Low risks</p> <p>Moderate risks</p> <p>Substantial risks</p>	<p>Prioritize hierarchy of controls</p> <ul style="list-style-type: none"> <li>-Elimination</li> <li>-Substitution</li> <li>-Administrative</li> <li>-PPEs</li> </ul>	<p>Remember to prioritize. Deal with those hazards that are high-risk and have serious consequences first.</p>

Hazard Identification	Categorize Hazards	Control Hazards	Decision Makers
Risk Assessment Review			
<p>Review assessment to make sure you are still improving, or at least not sliding back</p> <p>If there is a significant change in the worksite, remember to check your risk assessment and where necessary, amend it</p>	Reviewer:	Review Date:	Endorsed By:
<p>Review assessment to make sure you are still improving, or at least not sliding back</p> <p>If there is a significant change in the worksite, remember to check your risk assessment and where necessary, amend it</p>	Reviewer:	Review Date:	Endorsed By:

## Annex 2: Sample Code of Conduct

The main aim of the Code of Conduct is to prevent and/or mitigate the social risks within the context of rehabilitation and expansion of schools. The Codes of Conduct are to be adopted by project workers. This code of conduct covers Occupational Safety and Environmental Compliance, Gender Based Violence and Violence against Children.

### KEY DEFINITIONS

The following definitions apply: **Gender Based Violence (GBV)**

This is defined as any conduct, comment, gesture, or contact perpetrated by an individual (the perpetrator) on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual (the survivor) without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.

### Violence Against Children (VAC)

This may be defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18), including using for profit, labour, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any mediums.

### Child Labour

This involves employment of underage. Any person under the age of 18 should not be employed in the project sites.

### Child Protection (CP)

An activity or initiative designed to protect children from any form of harm, particularly arising from VAC, and child labour.

### Child

The word is used interchangeably with the term 'minor' and, in accordance with the United Nations Glossary on Sexual Exploitation and Abuse, refers to a person under the age of 18.

### Grooming

This is defined as behaviours that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for instance by encouraging romantic feelings or exposing the child to sexual concepts through pornography).

### Online Grooming

This is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.

### **Survivor/Survivors**

This is defined as the person(s) adversely affected by GBV, VAC, and child labour. Women, men and children can be survivors of GBV, VAC, and child labour.

### **Perpetrator**

This is defined as the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV, VAC, and child labour.

### **Work site**

This is defined as the area in which infrastructure development works are being conducted, as part of interventions planned under the project, funded by the World Bank.

### **Work site surroundings**

These are defined as the ‘Project Area of Influence’ which is any area, urban or rural, directly affected by the project, or located within the distance of three kilometres radius from the work site and/or worker’s camps, including all human settlements found on it.

### **Consent**

This word is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Any use of a threat to withhold a benefit, or of a promise to provide a benefit, or actual provision of that benefit (monetary and non-monetary), aimed at obtaining an individual’s agreement to do something, constitutes an abuse of power; any agreement obtained in presence of an abuse of power shall be considered non-consensual. In accordance with the United Nations, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.

### **Contractor**

This is defined as any firm, company, organisation or other institution that has been awarded a contract to conduct infrastructure development works in the context of the project and has hired managers and/or employees to conduct this work.

### **Manager**

The word is used interchangeably with the term ‘supervisor’ and is defined as any individual offering labour to the contractor, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor’s team, unit, division or similar, and to supervise and manage a pre-defined number of employees.

### **Employee**

This is defined as any individual offering labour to the contractor on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange

for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.

### **Workers Committee**

A team established by the Contractor to address GBV, VAC, child labour and other relevant issues with the work force.

## **CODES OF CONDUCT**

This Section presents three Codes of Conduct (CoC) for use:

1. **Workers' Code of Conduct:** Commits the worker to addressing GBV and VAC issues;
2. **Manager's Code of Conduct:** Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
3. **Individual Code of Conduct:** Code of Conduct for each individual working on project funded projects

### **3.1 Workers Code of Conduct/ Individual**

I, \_\_\_\_\_, acknowledge that preventing any misconduct as stipulated in this code of conduct, including gender-based violence (GBV), child abuse/exploitation (CAE) are important. Any activity, which constitute acts of gross misconduct are therefore grounds for sanctions, penalties or even termination of employment. All forms of misconduct are unacceptable be it on the work site, the work site surroundings, or at worker's camps. Prosecution of those who commit any such misconduct will be pursued as appropriate.

I agree that while working on this project, I will:

1. Consent to security background check;
2. Treat women, children (persons under the age of 18) and persons with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, birth or other status;
3. Not use language or behaviour towards men, women or children/learners that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
4. Not participate in sexual activity with children/learners—including grooming or through digital media. Mistaken belief regarding the age of a child and consent from the child is not a defence;
5. Not exchange money, employment, goods, or services for sex, with community members including sexual favours or other forms of humiliating, degrading or exploitative behaviour;
6. Not have sexual interactions with members of the communities surrounding the workplace, worker's camps and fellow workers that are not agreed to with full consent by all parties involved in the sexual act (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex - such sexual activity is considered "non-consensual" within the scope of this Code;

7. Attend trainings related to HIV and AIDS, GBV, CAE, occupational health and any other relevant courses on safety as requested by my employer;
8. Report to the relevant committee any situation where I may have concerns or suspicions regarding acts of misconduct by a fellow worker, whether in my company or not, or any breaches of this code of conduct provided it is done in good faith;
9. With regard to children (under the age of 18):
  - Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.
  - Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
  - Refrain from physical punishment or discipline of children.
  - Refrain from hiring children for domestic or other labour, which is inappropriate given their age, or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
  - Comply with all relevant local legislation, including labour laws in relation to child labour.
10. Refrain from any form of theft for assets and facilities including from surrounding communities.
11. Remain in designated working area during working hours;
12. Refrain from possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during working hours;
13. Wear mandatory PPE at all times during work;
14. Follow prescribed environmental occupation health and safety standards;
15. Channel grievances through the established grievance redress mechanism.

I understand that the onus is on me to use common sense and avoid actions or behaviours that could be construed as misconduct or breach this code of conduct.

I acknowledge that I have read and understand this Code of Conduct, and the implications have been explained with regard to sanctions on-going employment should I not comply.

Signed by: \_\_\_\_\_

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

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

**FOR THE EMPLOYER**

Signed by: \_\_\_\_\_

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

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

### 3.2 Code of Conduct for Managers

Managers at all levels play an important role in creating and maintaining an environment, which prevents workers misconduct. They need to support and promote the implementation of the Contractors Codes of Conduct and enforce Workers Codes of Conduct. Workers must adhere to this Code of Conduct. This commits them to develop and support systems, which maintain a safe working environment. Workers responsibilities include but are not limited to:

1. Where possible, ensure employment of local workforces especially where unskilled labour is required to mitigate social risks;
2. Ensure there is zero tolerance to child labour practices;
3. Promote gender inclusion at all levels;
4. Establish a workers' committee to oversee issues of workers' misconduct including GBV and VAC;
5. Ensure compliance to occupation health and safety requirements for all workers;
6. Ensure that workers dress code is adhered to appropriately;
7. Ensure that access to construction sites is restricted to authorized persons; hoarding is provided and that there is proper signage to construction site(s);
8. Facilitate workers training and capacity building on social, environmental and health and safety;
9. Ensure that all workers are sensitized on HIV and AIDS issues, provided with condoms and HTC services;
10. Ensure that fundamental workers' rights (e.g. working hours, minimum wages, etc) are protected;
11. Ensure that possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during workings hours should be strictly prohibited;
12. Ensure compliance to all legal requirements;
13. Supervisors failing to comply with such provision can be in turn subject to disciplinary measures including termination of employment; and
14. Ultimately, failure to effectively respond to some provisions of the code of conduct may provide grounds for legal actions by authorities.
15. Ensure that every employee under his/her supervision has been oriented on the Code of Conduct and has signed.

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to comply to all rules of this code of conduct. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action.

Signed by: \_\_\_\_\_

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

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

## FOR THE EMPLOYER

Signed by: \_\_\_\_\_

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

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

Contractors are obliged to create and maintain an environment which prevents social risks. They have the responsibility to communicate clearly to all those engaged on the project the behaviours which guard against any form of abuse and exploitation. In order to prevent Social risks, the following core principles and minimum standards of behaviour will apply to all employees without exception:

1. GBV or VAC constitutes acts of gross misconduct and are therefore grounds for sanctions, penalties and/or termination of employment and/or contract. All forms of Social risks including grooming are unacceptable be it on the work site, the work site surroundings, or at worker's camps of those who commit GBV or VAC will be pursued.
2. Treat women, children (persons under the age of 18) and people with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic, cultural beliefs/practices, or other status.
3. Do not use language or behaviour towards men, women or children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
4. Sexual activity with children/learners under 18 (including through digital media) is prohibited. Mistaken belief regarding the age of a child and consent from the child is not a defence.
5. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.
6. Sexual interactions between contractor's employees and communities surrounding the workplace that are not agreed to with full consent by all parties involved in the sexual act are prohibited (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex.
7. Where an employee develops concerns or suspicions regarding acts of GBV or VAC by a fellow worker, whether in the same contracting firm or not, he or she must report such concerns in accordance with established Grievance Redress Mechanism (GRM) that protects the identities of victims and whistle-blowers.
8. All contractors are required to attend an induction prior to commencing work on site to ensure they are familiar with the social risks and Codes of Conduct.
9. All employees must attend a mandatory training once a month for the duration of the contract starting from the first induction prior to commencement of work to reinforce the understanding of the institutional social risks and Code of Conduct.
10. The Contractor shall ensure provision of financial resources and support compliance to occupation health and safety requirements for all workers.
11. The Contractor shall ensure that workers dress appropriately i.e. dress in a way that: -
  - Is unlikely to be viewed as offensive, revealing, or sexually provocative.
  - Does not distract, cause embarrassment or give rise to misunderstanding

- Is absent of any political or otherwise contentious slogans
  - Is not considered to be discriminatory and is culturally sensitive
12. The Company shall ensure provision of financial resources and trainings to prevent spread of HIV and AIDS.
  13. The company shall comply with all the applicable international and national legislation including giving terminal benefits to workers who have served for at least three months;
  14. All contractors must ensure that their employees sign an individual Code of Conduct confirming their agreement to support prevention of social risks activities.
  15. The contractor should ensure equitable access to limited natural resources (e.g. water points) to avoid conflicts with local communities
  16. Where possible, the contractor should ensure employment of local workforces especially where unskilled labour is required to mitigate social risks

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in termination of the contract.

**FOR PROJECT WORKER**

Signed by: \_\_\_\_\_

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

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

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

### Annex 3: Sample OHS Training Plan

<b>S/No</b>	<b>Training Title</b>	<b>Frequency</b>	<b>Responsibility</b>
1	Infectious Prevention and Control	Bi-annually	IPC Specialist
2.	Sensitization on Occupational Health and Safety	Bi-annually	HSE Expert
3.	First Aid Administration	Annually	Certified First Aid Care Giver
4.	Fire Safety	Annually	Fire Safety Officer
5.	Work Ethics and Interpersonal Skills	Annually	Human Resource Specialist