

REPUBLIC OF THE GAMBIA



**WEST AFRICA COASTAL AREAS (WACA) RESILIENCE INVESTMENT
PROJECT 2 (WACA RESIP2)
(P175525)**

Labor Management Procedures (LMP)

Draft Report

September 2022

CONTENTS

Abbreviations/Acronyms	3
1.INTRODUCTION	1
1.1 Project objectives and components for The Gambia	1
1.2 OVERVIEW OF LABOR USE ON THE PROJECT	3
Type of Workers	3
1.ASSESSMENT OF KEY POTENTIAL LABOR RISKS	4
Key Project activities:	4
3. BRIEF OVERVIEW OF NATIONAL LEGISLATION	10
3.1 National Labor Legislation: Terms and Conditions	10
4.0 WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARDS (ESS2)	12
5.0 RESPONSIBLE STAFF	16
6. POLICIES AND PROCEDURES	17
7. AGE OF EMPLOYMENT	20
8. TERMS AND CONDITIONS	20
9. GRIEVANCE MECHANISM	21
9.1. Principles	21
9.2. Direct workers' GM structure	22
10. CONTRACTOR MANAGEMENT	24
11. EMPLOYEES OF PRIMARY SUPPLIERS	24
13. CAPACITY BUILDING	25
Annex 1: Select Bibliography	26
Annex 2 Codes of Conduct and Action Plan for Implementing ESHS and OHS Standards, and Preventing Gender Based Violence and Violence Against Children	27

ABBREVIATIONS/ACRONYMS

COVID-19	Coronavirus Disease 2019
ESIA	Environmental and Social Impact Assessment
ESF	Environmental and Social Framework
ESHS	Environment and Social Health and Safety
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
GBV	Gender-Based Violence
GFP	Grievance Focal Point
GoTG	Government of The Gambia
GPE	Global Partnership for Education
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HR	Human Resources
HSP	Health and Safety Plan
LMP	Labor Management Procedures
NEA	National Environment Agency
NEMA	National Environment Management Act
OHS	Occupational Health and Safety
PPE	Personal Protective Equipment
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
VAC	Violence Against Children
WB	World Bank

I. INTRODUCTION

The Government of The Gambia is preparing with the financial support from the World Bank the West Africa Coastal Areas Resilience Investment Project 2(WACA RESIP2).The Project is a regional project and the Project Development Objective (PDO) is to ‘strengthen the resilience of targeted communities and areas in coastal Western Africa’. The Ministry of Environment, Climate Change and Natural Resources (MECCNAR) will implement the project through the Central Project Coordination Unit.

1.1. Project objectives and components for The Gambia

In The Gambia, the project will seek to: (a) strengthen the resilience to flood risks; (b) improve the attractiveness and accessibility of the riverfront: recreational purposes, biodiversity; (c) enhance socio-economic development of area; (d) improve livability and urban environment; (e) reduce pollution from uncontrolled storm water runoff; (f) improve public health conditions; and (g) improve accessibility/connectivity avoiding traffic disruption.

The project has four (4) components as indicated below:

Component 1: Strengthen Regional integration. The objective of the regional integration component is to strengthen the effective coordination of interventions for coastal resilience in West Africa at the regional and national levels. This will be achieved through the consolidation of the regional institutional set-up and harmonization of policy, to seek economies of scale and the development of new strategic partnerships needed for the scale-up of response to the coastal resilience development challenge.

Component 2: Strengthening the policy or institutional frameworks. This component will support the strengthening of targeted institutional and policy frameworks around flood and coastal risk management, integrated flood management, integrated coastal development, natural resource management, urban resilience in The Gambia. Three areas have been identified: (a) support in mainstreaming disaster risk reduction and climate change in key sectors (e.g. Urban development), (b) strengthening institutional capacities for effective and streamlined climate change and disaster risk reduction (DRR) responses; and (c) improving the quality of hydro-meteorological services and early warning systems.

This component will support the development of policy frameworks around transboundary coastal zone management, specifically as it relates to the use and management of shared resources along The Gambia’s borders with Senegal. Priority interventions identified by the work under this component can be addressed through regional policy measures under Component 1 of this project, through technical studies supported by Component 2 of this project or by WACA ResIP 1, and physical and social interventions under Component 3 of this project. The project will support the strengthening of institutional and policy frameworks around coastal development, protection, and natural resource management. Focus areas will include strengthening of existing national coordination mechanisms and of institutional capacity for coastal development and protection.

Component 3: Strengthening Physical and social investments.

The project will support a wide typology of site-specific grey, green, and hybrid physical investments, and social sub-projects at the community level to achieve measurable increases in protection from coastal erosion and flooding, pollution control, and to promote climate-resilient coastal development.

Sub-component 3.1-This sub-component will finance site-specific interventions for coastal protection and/or flood control to reduce risks of flooding and/or erosion in the Greater Banjul Area (GBA), home to 25 percent of the country population and 45 percent of GDP. The project is expected to finance a mix of gray, green, and hybrid infrastructure solutions at along the selected prioritized Kotu Stream hotspot to reduce risks of flooding and erosion. Green or nature-based solutions include but not limited to retention ponds/tanks/wetlands/parks, water squares/sunken plazas, (bio)swales, tree tranches, sidewalk planters, green roofs, soak ways, water harvesting, green infrastructure/planting, urban gardens, submerged native aquatic vegetation, and mangrove protection to serve as a buffer to inundation and sea-level rise. Potential grey solutions include small-scale localized infrastructure such as constructing primary and secondary drainage systems and widening the Kotu Stream banks for mitigating erosion and urban flood risk and building bridges to serve as crossing point along the project site for enhancing community access, while hybrid solutions incorporate both approaches depending on site-specific needs and characteristics. Feasibility and design studies for the intervention will also be supported by this component.

Sub-component 3.2: This subcomponent will support targeted communities in area(s) of intervention to not only benefit as much as possible from the physical infrastructure and potential job opportunities for instance, but also contribute to their sustainable management (operation and maintenance). The project will also support interventions for social development and economic recovery based on the needs of affected urban and coastal communities. The project will support participatory activities (social subprojects) to work with communities on nature protection and conservation and alternative livelihoods(a) improving solid waste management to improve health conditions and reduce flooding. The eligibility and selection criteria as well as modalities would be described in the operations manual for this subcomponent.

Component 4: Project management The component will finance project management costs including environmental and social risk management as well as monitoring and evaluation. This includes support to the Project Implementation Unit (PIU) for staffing, monitoring and evaluation, project technical audits, safeguards, financial management, procurement and training, small goods, equipment and operational costs associated with project management. It will also support (i) a National Steering Committee created to ensure coordination across relevant sectors and multi-stakeholder decision-making for key strategic project decisions and representation for The Gambia in the Regional Steering Committee and related regional initiatives; and (ii) a National Technical Committee to ensure a diversity of technical expertise is applied to relevant project documents and activities as developed by the PIU.

Component 4 will also support the development of robust communication tools and plans, including a program for awareness raising and training related to the anthropogenic impacts on coastal areas, ecosystems, and climate. Communication of relevant policies and their impact on coastal communities and stakeholders will be critical for their successful implementation and enforcement.

Project Indicators

The proposed PDO indicators are as follows:

- (a) Households in targeted coastal areas with less exposure to erosion due to the project (disaggregated by country)
- (b) Households in targeted coastal areas with less exposure to flooding due to the project (disaggregated by country)
- (c) Households in targeted coastal areas with less exposure to pollution due to the project (disaggregated by country)
- (d) Share of target beneficiaries with rating 'Satisfied' or above on project interventions (disaggregated by country, sex)
- (e) Regional integration score

1.2. OVERVIEW OF LABOR USE IN THE PROJECT

ESS2, Labor and Working Conditions, requires the Government to develop Labor Management Procedures (LMP) that help identify main labor requirements and the associated risks and helps the Borrower to determine the resources necessary to address the labor issues. The LMP is a living document and is reviewed and updated throughout development and implementation of the project. The present document details out the type of workers likely to be contracted by the project and the management thereof. As indicated below, ESS2 categorizes the workers into direct workers, contracted workers, community workers and primary supply workers.

Type of Workers

The World Bank Environmental and Social Standard (ESS)2 categorizes project workers into direct workers, contracted workers, community workers and primary supply workers as presented below.

Direct workers: These include staff of the Project Implementation Unit (PIU), Ministry of Environment, Climate Change and Natural Resources, who are hired to implement the Project. The workers include staff at the PIU Headquarters and those working in the communities. Direct workers will also include persons employed or engaged by the PIU to carry out design and supervision, monitoring and evaluation, or community engagement in relation to the project.

Contracted Workers: These are workers employed or engaged through third parties (contractors, sub-contractors, brokers, agents, or intermediaries) to perform work on the project, regardless of location. Two broad categories of contracted workers are expected: (i) those who will be carrying out the studies (technical, safeguard, procurement, etc.), and (ii) those who will carry out the civil works during project implementation.

Primary supply workers: These are workers contracted by primary suppliers of building aggregates such as sand, gravel etc. for the civil works on an on-going basis until the completion of the works.

Community workers will be required for the small scale interventions in support of social development and economic recovery in the communities.

The present project, West Africa Coastal Areas (WACA) Resilience Investment Project 2, will require all these categories of workers.

II. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

2.1. Key Project activities

The main project activities include:

a) **Technical Assistance and Capacity building:**

- Strengthen targeted institutional and policy frameworks around flood and integrated coastal risk management, integrated coastal development, natural resource management, urban resilience in The Gambia;
- Strengthening institutional capacities for effective and streamlined climate change and DRR responses; and
- Improve capacity of hydro-meteorological services and early warning systems.
- Consolidation of regional institutional set-up and harmonization of policy, and the development of new strategic partnerships needed for the scale-up response to the coastal resilience development challenge
- Strengthening of existing national coordination mechanisms and institutional capacity for coastal development and protection.

b) **Infrastructural Development**

- Small-scale localized infrastructure such as construction of primary and secondary drainage systems and widening the Kotu Stream banks for mitigating erosion and urban flood risks
- Building bridges to serve as crossing points along the project site for enhancing community access,
- Rehabilitation of floodplains by creation of retention ponds/tanks/wetlands/parks, green infrastructure/planting water squares/sunken plazas, (bio)swales, etc.

c) **Social subproject development and economic recovery**

- Community-driven activities, which will include labor-intensive works to provide opportunities for livelihood diversification, increase adoption and effectiveness of community-led resource management schemes, and to strengthen the role of women in the management of coastal resources.

2.2. Key labor risks associated with the project

The key potential labor risks that may be associated with the project (see, for example, those identified in ESS2 and the Guidance Note¹) include:

i) Labor risks related to accidents involving project workers

The project is in an urban area with high population density. The project activities will include construction of bridges on the riverbanks, expanding canals etc. that means that in addition to working at ground level, some work will be done from heights and sometimes above water. The workers can be involved in road traffic and worksite accidents. Traffic accidents may be caused by non-compliance with the traffic regulations, faulty rolling stock, underground and overhead services, driver indiscipline, etc. The high population density and the narrow roads can increase the frequency of such accidents thus requiring special measures. Measures to reduce these risks will include awareness raising of all project workers on the need for compliance with the Highway Code; the regular maintenance of service vehicles; having a monitoring and maintenance book as well as an up-to-date insurance policy. Drivers should have road safety training and defensive driving and sanctions should be applied for reckless driving. Other measures are included in the section on community safety below.

On the worksite, accidents may occur by improper use of machinery, by falling from heights, by falling objects, failure to wear personal protective equipment etc. As part of the mitigation measures workers should receive proper procedure and safety trainings before they use any type of machine or tool at work particularly the use of heavy equipment. There should be guardrails to cordon the area and proper signage to warn workers and visitors. Workers should be provided with and obliged to use personal protective equipment. Another measure includes the prohibition of alcohol consumption and drug abuse during working hours as these substances can reduce the ability to exercise proper judgement, decrease concentration and reduce motor skills.

Workers will be required to respect other aspects of occupational health and safety measures. Workers will be required to sign Code of Conduct upon recruitment and receive training/awareness of the implications of the Codes of Conduct (including sanctions, prohibitions). Each worker agrees to abide by occupational health and safety measures, as well as expected behaviors to prevent SEA/SH and maintain respectful community relations.

i. Labor risks associated with non-transparent recruitment procedures at subproject level

At the subproject level, the contractors may recruit laborers and semi-skilled workers. Some of these workers may be employed without a written contract with their employers and they may not receive any detailed explanation of their entitlements and benefits as well as other rights. This situation can easily lead to unfair treatment of workers. To prevent such situations, contractors and subcontractors implementing subprojects will be required to have a written contract with their workers consistent with the objective of ESS2 and in compliance with this LMP. In the case of illiterate workers, someone trusted

¹For more details on the World Bank's Environmental and Social Framework (ESF), see ESF: www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards. <http://projects-beta.vsemirnyjbank.org/ru/projects-operations/environmental-and-socialframework/brief/environmental-and-social-standards>. For the Guidance Note for Borrowers on ESS2, Labor and Working Conditions <http://documents1.worldbank.org/curated/en/149761530216793411/ESF-Guidance-Note-2-Labor-and-Working-Conditions-English.pdf>

by the worker and is literate will translate the terms of the contract to the worker with a note in the contract as to who provided the interpretation assistance.

ii. **Community health and safety risks/impacts**

The presence of workers within the community and their interactions with them can give rise to many risks as detailed below.

➤ **Increased risk of communicable diseases (including STDs and HIV/AIDS and COVID-19)**

The presence of workers within the community and their interactions with them may increase the risk of transmission of communicable diseases, especially COVID-19, sexually transmitted diseases (STD) and sexually transmitted infections. The mitigation measures for these risks include the testing of all new recruits for COVID-19; ensure strict observance for WHO and national guidelines for the prevention of the spread of COVID-19, i.e. wearing of facemasks, handwashing and social distancing. There should also be information campaigns on COVID-19, STDs and HIV/AIDS among workers and local community; and finally provision for the supply of condoms to workers in a safe and private area.

➤ **Labor risk related to community workers**

Indeed, it is certainly expected that all sustainable management activities (operation and maintenance) will emphasize community participation using a labor-intensive approach. The main risks associated with the use of community workers are safety due to their poor knowledge of occupational health and safety rules. The risks of prevalence of certain infectious diseases such as COVID 19 are also highly likely for community workers

➤ **Risk of conflicts with the host community**

The presence of workers can sometimes lead to conflict with the community which could be because of breakdown in communication, wrong perception of the workers in their midst and suspicion about the relationship of workers with the female members of the community.

To address these risks requires regular consultations and involvement of local communities in project planning and implementation as a way of raising awareness and building good relations between the local community and workers. The communities should also be informed about the project-level GM including the protocol on complaints relating to SEA/SH and be encouraged to use it.

➤ **Increased traffic accidents**

The risks of road accidents involving members of the community are high because the poor road network in the project, the population density and the proximity of construction sites to the residences, which increases the risks especially for the children. In addition to the points raised above under road accidents relating to project workers, the following measures can be taken: Kanifing Municipal Council meet with the contractor and communities to identify accident hotspots and formulate solutions; Preparation and implementation of a traffic management plan to be approved by supervision engineer; and sensitization of the community about the risks of road accidents and the traffic management plan.

➤ **Risk of child labor**

The project will be implemented in a low-income area with relatively high school dropouts due in part to the limited number of places available at high and middle schools in the area and the costs associated with going to schools outside their community. As a result, these children have nothing to do and the risk of parents trying to get them to work on the project are high. To address these risks it is important to inform the communities that children and minors cannot be employed directly or indirectly on the project as required by law. The communities should clearly be informed on the hiring criteria, minimum age, and applicable laws. The PIU should ensure the enforcement of legislation on child labor.

iii. Labor risks associated with lack of equal opportunity, transparency, and discrimination especially for vulnerable groups

The principle of equality, non-discrimination and transparency are the key principles underlying employment decisions such as hiring and promotion, the ability of a person to perform the work, and access to employment opportunities, without regard to personal characteristics that are unrelated to the inherent work requirements. The provisions of national laws in this regard are very similar to the requirements of ESS2. However, there are special issues relating to access of workers with disabilities to the built environment, and communication of information for project workers with disabilities (i.e. direct workers with physical or mobility disabilities who require access to PIU offices or modification of their work stations and computer screens, including those with visual impairments). These may require, for example, the provision of wheelchairs, ramps or elevators, and alternative formats of communication, such as large print, Braille, accessible digital formats, or audio tape.

The employers should ensure that access to buildings is facilitated for the workers with disabilities and that communication of information for project workers with disabilities uses alternative formats of communication, such as large print, Braille, accessible digital formats, or audio tape. This information should be made available to disabled workers at the time of their recruitment.

Risks of Sexual Exploitation and Abuse/Sexual Harassment

Because of the civil works there may be labor influx which may increase the risks of SEA/SH and child labor. Any SEA/SH risks pertaining to project activities will be addressed in the SEA/SH Prevention and Response Action Plan that will be prepared during implementation before the start of project activities and included in all Environmental and Social Management Plans (ESMP). In addition, every worker will be required to sign a code of good conduct with clear defined sanctions for failure to abide by the code. As part of monitoring activities, the social and environmental specialists will conduct spot checks to ensure that rules are not violated, and in cases where they are, swift actions will be taken to respond and resolve them.

iv. Occupational Health and Safety (OHS) Risks

The risks are substantial because of the nature of the proposed project activities which include working from heights, and close to water bodies. There are therefore risks related to falls from heights, fall into the stream especially in the estuary area. There are also the risks of air pollution, poor waste management all of which can have negative impact on workers. There are also risks related to traffic accidents and the use of machinery. All contractors will be required to develop and implement written labor management procedures, including procedures to establish and maintain a safe working environment as per requirements of ESS2. All contractors will be required under the Environmental and Social Management Plan (ESMP) to ensure workers will use basic safety gears, receive basic safety training and other preventive actions as provided in the Project's Environmental and Social Management Framework (ESMF)

as well as the World Bank's Environmental, Health, and Safety (EHS) Guidelines², and other international good practices.

v. Overtime Work Risk

This risk relates to failure of paying wages or refusal to pay overtime, especially to workers, who are likely to work overtime to meet the tight schedules. The provisions of this LMP shall require a written commitment on the part of the contractor and subcontractor to fulfil these obligations in line with national law.

a) Number of Project Workers:

The project will be employing both direct, contracted workers and primary supply workers. The estimated numbers of workers in some of these categories are provided below.

i. Direct Workers

These include the staff of the Project Implementation Unit (PIU) and persons employed or engaged by the PIU to carry out specific tasks for the project such as design and supervision, monitoring and evaluation, or community engagement in relation to the project.

The project will be recruiting staff for the PIU and their estimated number is 17, namely: 1 National Project Coordinator, 1 Financial Controller, 1 Accountant, 1 Assistant Accountant, 1 Environmental Specialist, 1 Social Specialist, 1 GBV Specialist, 1 Stakeholder Engagement/Communications Consultant, 1 Occupational Health and Safety Consultant, 1 Civil Engineer, 1 Procurement officer, 3 Driver, and 1 Assistant. All of these positions will be based in Banjul, recruited prior to the start of project activities, and maintained throughout project implementation.

ii. Contracted Workers

The contracted workers will comprise the following:

- a) Contractors responsible for civil works-they will consist of technicians, skilled and unskilled workers/laborers who will be hired in the construction of canals and bridges. The estimated number of contracted workers will range between 40-7,5 some of which (who may only be recruited during the second year of implementation).
- b) Supervising engineers- This category will comprise engineers who will provide support to the PIU in the supervision of the implementation of the civil works as well as the environmental and social management instruments (ESMF, ESMP, RPF, RAP)

iii. Primary Supply workers

This category of workers will include the suppliers of building aggregates, sand, cement and basalt/stones and suppliers of office equipment and supplies (stationery, computers, etc.). It is not presently possible to make an estimate of the number of workers.

iv. Community workers

² https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/policies-standards/ehs-guidelines

Component 3.2 envisages assisting the targeted communities in the intervention area(s) to contribute to their sustainable management (operation and maintenance). The project will also support social development and economic recovery interventions, based on the needs of the affected urban and coastal communities. The project will support participatory activities (social sub-projects) to work with communities on nature protection and conservation and alternative livelihoods (a) by improving solid waste management to improve sanitary conditions and reduce flooding. Eligibility and selection criteria and modalities will be described in the operations manual for this sub-component.

Indeed, it is certainly expected that all sustainable management activities (operation and maintenance) will emphasize community participation using the labor-intensive works (LIFO) approach. However, at this stage, the approximate number of community workers required for sustainable management (O&M) cannot be estimated.

b) Characteristics of Project Workers

The employment opportunities will be open to all who are at least 18 years old. Given experience with similar projects, it is possible that the majority of the workforce might be male but female workers will be encouraged to apply. For the community level interventions there is an opportunity for a higher percentage of female workers, which will again depend on the type of intervention proposed in the community. Most of the project workers to be recruited will be local because of the nature and size of the work and this will help extend project benefits via local employment.

Professional experts in coastal and marine management as well as experts in early warning system will be required as well as social scientists to advise on the policy, risk assessments and identification of interventions sites as well as institutional strengthening and capacity building. The nature of labor force will be skilled workers/experts and may include:

- Experts and consultant in hydrology, hydraulics and flood modelling
- Experts in the meteorology
- Experts in sociology and economics to support the small scale interventions at community level
- Experts in biodiversity and natural resource management
- Civil engineers
- Coastal development specialists
- Technicians and workers specialized in civil engineering works
- Laborers workers, etc.

c) Timing of Labor Requirements

The direct workers (PIU staff) will be required full time and for the entire project duration. Other experts/consultants will be hired on demand basis throughout the project period. Timing for engagement of contracted workers and primary supply workers will be known at later stages, however their engagement will depend on the implementation of various sub-components on specific time slots. They will be recruited based on requests for proposals (based on terms of reference and specifications) and will be issued service contracts.

The mobilization of the necessary workers for the implementation of the Project will be in accordance with the schedule contained in the Environmental and Social Commitment Plan (ESCP), which discusses all the commitments to be met by the Government side vis-à-vis the World Bank and the pace of procurement.

III. BRIEF OVERVIEW OF NATIONAL LEGISLATION

3.1. National Labor Legislation: Terms and Conditions

The legislation on labor protection in The Gambia is based on the Constitution of the Republic of The Gambia, 1997, the Labor Act 2007 and the Joint Industrial Council Agreement for Artisans and General Workers. The key areas addressed in these legal instruments are as follows:

- **Non-Discrimination in Employment and in Wages**

The Labor Act prohibits discrimination against persons with HIV/AIDS and women with respect to maternity leave. Discrimination against women at the workplace is treated in more detail under the Women's Act of 2010 which categorically prohibits discrimination against women in employment giving "every woman the right to work on the basis of the same employment opportunities, including the application of the same criteria for selection in matters of employment." (Art. 16). Similarly, women have the right to equal remuneration, social security, and maternity benefits (Art. 18 Women's Act 2010). Other provisions of the Act include protection and safety at work, maternity leave and non-discrimination based on marital status.

However, there are no specific provisions in the Labor Act or the Women's Act against sexual harassment or violence/abuse in the workplace.

- **Working Hours and Overtime**

The Joint Industrial Council Agreement for Artisans and General Workers defines conditions of employment and sets the hours of work for Artisan and General Workers as forty-two hours a week of eight hours per day (Monday to Thursday) and five hours per day on (Friday and Saturday). For transport workers, the normal working hours are also forty-two hours per week.

With respect to overtime, workers are entitled to overtime payment as follows:

Time worked on any day more than the normal number of hours:

- (a) on any day other than Sundays and Statutory Public Holidays: Time and Half
- (b) on any Sunday (being a normal rest day): Double Time
- (c) on Statutory Public Holidays: Double Time

- **Leave**

In addition to national holidays, employees have the following annual leave entitlement with the same employer:

- 1-3 years: 14 working days
- 3-7 years' service: 21 working days
- Over 7 years: 30 working days

Women's Act, 2010 provides for maternity leave "with pay at her normal rate for not less than six weeks immediately preceding the expected date of confinement and for not less than six weeks following that date" (Art. 20.1). The Act also provides for paternity leave for a period of ten days (Art. 20.2).

- **Wages and Deductions**

Presently, the official minimum wage is considered very low and not reflecting the current labor wages in the market. A new one has been prepared awaiting approval.³ In addition to wages, employers are also required to pay for work-related damages to health or property, and the next-of-kin are compensated in case of death but the claim should be made not later than six after the date of the employee. Deductions are allowed for specific reasons, but “total deductions shall not exceed one third of all remuneration due in that wage period (Article 77-Labor Act 2007). These may include deductions of a reasonable charge for food, drink, lodging, or clothing supplied by the employer to employee, deduction of an amount for recovery of an advance made to an employee or in order to adjust a previous over-payment of wages.’ Art. 77 Labor Act 2007

- **Labor Disputes**

Individual labor disputes on matters between an employer and a worker or between an employer and a group of workers over matters such as terms or condition of employment or performance, demotion, suspension, or termination may be referred to the Commissioner of Labor or to the official of the trade union to which the worker belongs. The latter will bring the matter to the attention of the Commissioner for settlement. Where the Commissioner fails to settle the dispute, the worker or the trade union may bring the matter before the Industrial Tribunal set up by the Labor Act, 2007.

- **Freedom of Association and Collective Bargaining**

The Constitution of the Gambia, 1997, provides for “...the freedom of association, which shall include freedom to form and join associations and unions, including political parties and trade unions” Article 25, Subsection 1c). Under Article 107 of the Labor Act, 2007 workers have the right to establish and join workers’ organizations of their choice.

- **Occupational Health and Safety**

The Labor Act 2007 addresses occupational health and safety issues under Articles 72 and 37.1(c). Article 72 establishes the obligations of the employer to ensure occupational safety through the supply, free of charge of safety equipment and safety devices, which the workers are required to use for their protection. Article 37 requires newly engaged or transferred workers to undergo training to undertake their work adequately and safely.

- **Forced Labor and Child Labor**

The Constitution of the Republic of The Gambia on labor conditions specifically prohibits the use of forced labor and child labor. Article 20 states under the relevant subsections as follows:

- (1) No person shall be held in slavery or servitude
- (2) No person shall be required to perform forced labor.

Regarding child labor, Art 29.2 of the Constitution states that:

³According to the Act, the Joint Industrial Council reviews wages and when agreement is reached between the parties, the decision is conveyed to the minister responsible for labor who puts the information in the gazette following which the recommendations come into effect.

“Children under the age of sixteen years are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or be harmful to their health of physical, mental, spiritual, moral or social development.”

The Labor Act 2007 (Art.45) also prohibits Child Labor.

3.2. WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARD (ESS) 24

Summary of key requirements

ESS2 requires that MECCNAR prepare and implement internal labor management procedures applicable to the project that define the working conditions and management of worker relationships in accordance with the national laws and ESS2. The main provisions of ESS 2 relevant to this project are set out below.

- **Working conditions**

ESS2 requires that information and documentation that is clear and understandable be provided to workers regarding their terms and conditions of employment. The information and documentation should set out their rights under national labor and employment law (which should include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation, and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship, and when any material changes, to the terms or conditions of employment occur.

- **Terms and conditions of employment**

The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination in employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. The documentation containing this information should be accessible to inform the project workers concerned and provided in a language understood by the workers.

- **Non-discrimination and equal opportunity and workers opportunity**

ESS2 prohibits discrimination in employment, recruitment, termination of employment, working conditions, or terms of employment made on the basis of personal characteristics unrelated to inherent

⁴For more details on the World Bank’s Environmental and Social Framework (ESF), see ESF: www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards. <http://projects-beta.vsemirnyjbank.org/ru/projects-operations/environmental-and-socialframework/brief/environmental-and-social-standards>. For the Guidance Note for Borrowers on ESS2, Labor and Working Conditions <http://documents1.worldbank.org/curated/en/149761530216793411/ESF-Guidance-Note-2-Labor-and-Working-Conditions-English.pdf>

work requirements, which nullify or impair equality of opportunity or treatment in employment. Inherent work requirements refer to genuine occupational qualifications that are necessary to perform the work.

ESS 2 also provides for appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific group of workers, such as women, people with disabilities. Such measures may be necessary only for specific periods of time, depending on the circumstances of the project worker and the nature of vulnerability. The measures may include addressing working conditions, access to the built environment, and communication of information for project workers with disabilities.

- **Workers' organizations**

ESS2 also recognizes worker organizations and in countries like The Gambia, where workers have the legal right to form unions or other workers organizations of their choice and to bargain collectively with their employers, national laws would prevail. However, workers organizations should be representative of the workforce and operate pursuant to the principles of fair and reasonable representation of workers and their interests in the context of the project.

- **Protecting the work force**

ESS2 prohibits child labor and sets the minimum for employment at 14, “unless national legislation specifies a higher age”. This provision also prohibits forced labor, which is any work or service done without the free and informed consent of a worker.

- **Grievance Mechanism**

It is also a requirement under ESS2 to establish a grievance mechanism for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns. The workers should be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use.

- **Occupational Health and Safety**

Under ESS2, the measures relating to OHS are aimed at protecting project workers from injury, illness, or impacts associated with exposure to hazards encountered in the workplace or while working will apply to the project and they consider the requirements of ESS2 and national law requirements on OHS and workplace conditions as they apply to the project. Project workers should receive OHS training at the start of their employment or engagement, and thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file.

Table 1 : Gap analysis between the Gambia legal framework & the World Bank ESS 2

ESS & Topic	Major WB requirements	Key requirements in Gambian legal framework	Gaps	Actions Taken
<i>A. Working conditions and management of labor relations</i>	<ul style="list-style-type: none"> -Written labor management procedures. -Terms and conditions of employment. <ul style="list-style-type: none"> • Non-discrimination and equal opportunity, including workplace environment free of all forms of violence and abuse, such as sexual harassment, access to communication of information for project workers with disabilities. • Worker’s organizations. • Labor Management Plans including Contractor’s ESMP. 	<ul style="list-style-type: none"> -Written employment contract required, including procedures and employment conditions. -Non-discrimination and equal opportunity requirements exist for women and persons with HIV/AIDS. -Workers organizations 	<ul style="list-style-type: none"> - No legal provisions related to SAE/SH in the workplace - No requirement for labor management procedures or plan - Limited scope of non-discrimination limited to women and persons with HIV/AIDS 	<ul style="list-style-type: none"> - SEA/SH is included in this LMP - This LMP adopts the wider definition of non-discrimination in ESS2, including access to communication of information for project workers with disabilities - the Contractor’s ESMP will include similar provisions
<i>B. Protecting the work force</i>	<ul style="list-style-type: none"> • Child labor prohibition- minimum age 14. • Forced labor prohibition. 	<ul style="list-style-type: none"> • Child labor prohibition (minimum age 16) • Forced labor prohibition 	Gambian Law has a higher minimum age	This LMP adopts the national legislation of 18 years as the minimum age for employment in this project
<i>C. Grievance mechanism</i>	GM should be in place for direct and contracted workers, including provisions that explicitly address the ethical and confidential management and resolution of SEA/SH claims	Grievances addressed through the administrative and judicial processes	No specific GM process for project workers and no provision for ethical or confidential treatment of SEA/SH	This LMP will include a GM and workers are to be informed on it at the start of their employment
<i>D. Occupational Health and Safety</i>	<ul style="list-style-type: none"> • Detailed procedures required for every project. • Requirements to protect and train workers, document, and report all occupational accidents, diseases, and incidents, provide 	<ul style="list-style-type: none"> • Requirements to protect and train workers, document incidents, conduct emergency preparation. 	<ul style="list-style-type: none"> • No detailed procedural required for every project 	This LMP includes the provisions of ESS2, which will be monitored on a regular basis to ensure compliance

	<p>for emergency prevention and response arrangements to emergency situations.</p> <p>Remedies for adverse impacts such as occupational injuries, deaths, disability, and disease.</p> <ul style="list-style-type: none"> • Monitor OHS performance. 	<p>-Remedies provided for adverse impacts such as occupational injuries, deaths, disability.</p> <p>-Monitoring through visits by labor officer of the Labor Department</p>		
<i>E. Category of workers</i>	Specifies categories of workers	No such classification		This LMP has established such a categorization
<i>F. Minimum age of workers</i>	<ul style="list-style-type: none"> • Minimum age for employment is 14 unless national law specifies a higher age. • A child between 14-18 may not be employed or engaged in connection with the project in a manner that is likely to be hazardous (exposure to physical, psychological, or sexual abuse, underground, underwater, working at heights or in confined spaces, etc.). 	<p>Employment permissible at 16 but for light work only. Light work is defined as work not likely to be harmful to the health or development of the child and does not affect the child's attendance to school or the capacity of the child to benefit from schoolwork (ACT 43.1 Children's Act 2005)</p> <p>The child should not be engaged in hazardous work which includes going to sea, mining, and quarrying and carrying heavy load.</p>		This LMP defines the minimum age for employment in this Project as 18years.

IV. RESPONSIBLE STAFF

The Project Coordination Unit (PIU) will oversee and guide all the workers associated with the project.

The E&S Specialists on the PIU will be responsible for the following:

- Implement the LMP
- Ensure the contracts with the contractors are developed in line with the provisions of this LMP and the project's safeguard instruments ESMP.
- Verify that contractors are meeting labor and OHS obligations toward contracted and subcontracted workers as required by Gambian law and respective contracts between the PIU and the contractors.
- Monitor contractors and subcontractors' implementation of the LMP.
- Monitor compliance with OHS standards at all workplaces in line with the national occupational health and safety legislation.
- Monitor and implement training on LMP and OHS for project workers.
- Ensure that the grievance mechanism for project workers and personnel is established and implemented, including specific provisions for the ethical and confidential management and resolution of SEA/SH and VAC claims, and that workers are informed of its purpose and how to use it
- Ensure that contractors prepare their work management procedures (Contractor Health and Safety Plans) that are consistent with this LMP and the contractor's ESMP/OSH Plan (including occupational health and safety provisions) before the contractor is allowed to enter the field.
- Monitor the potential risks of child labor, forced labor, and serious safety issues with respect to primary supply workers.

- Develop a system for regular monitoring and reporting on labor and OHS performance.
- Develop a code of conduct for workers as well as direct project personnel, which expressly prohibits SEA/SH and VAC, provides for applicable sanctions, and must be signed by workers, monitor its implementation, and ensure that workers and project personnel receive training on SEA/SH and VAC, the code of conduct, and prohibited behaviors, in addition to instruction on GM complaint procedures, as noted above.

- The controlling and supervising consultant(s) will supervise the performance of labor and working conditions on a daily basis on behalf of the PIU, which will be explicitly defined in their contract. To this end, the controlling and supervising consultant(s) will employ qualified experts for such supervision and will report performance to the PIU.

- The responsibilities of the contractors are as follows: Employ or appoint one or more qualified environmental, social, occupational health and safety experts to manage occupational health and safety issues.
- Prepare and implement labor management procedures related to their contract and ESMPs/OSH plans (including the OSH provisions that will apply to contracted workers under the PICMC). These procedures and plans will be submitted to the PMU for review and approval prior to the contractor being allowed to proceed to the field.

- Follow the LMP and OHS requirements in line with the provisions of the E & S instruments as contained the contracts signed with the Contractor for the contracted works. If the number of

workers (direct and contracted) is above 50, then Contractors are required to develop their own LMPs and OHS plans.

- Supervise the subcontractors' implementation of LMP and OHS requirements.
- Maintain records of recruitment and employment of contracted workers as provided in their contracts.
- Clearly communicate job descriptions and employment conditions to all workers.
- Make sure every project worker hired by contractor/subcontractor is aware of the PIU dedicated phone number, email address, and web portal through which anyone can submit grievances.
- Provide induction (including social induction) and regular training to employees in labor protection requirements, including training on their rights on safe labor under Gambian law, on the risks of their jobs, and on measures to reduce risks to acceptable levels, including training on SEA/SH and VAC risks, prohibited behaviors under the code of conduct, and GM complaint procedures for confidential management of SEA/SH and VAC claims.
- Conduct training on LMP and OHS to manage subcontractor performance.
- Ensure that all contractor and subcontractor workers understand and sign the code of conduct, which expressly prohibits SEA/SH and VAC and lists applicable sanctions, prior to the commencement of works and supervise compliance with the code. The Site Engineer in charge of construction supervision will engage a labor specialist to ensure the provision of the LMP are respected.
- The prime contractor shall identify and address child labor, forced labor, and serious safety, equity, and discrimination risks to the prime contractor's workers.
- Ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the PIU. The contractual arrangements with each project worker must be clearly defined.

V. POLICIES AND PROCEDURES

5.1. Policies

The Ministry of Environment, Climate Change and Natural Resources will incorporate standardized environmental and social clauses, including those that specifically address gender, SEA/SH and VAC and social inclusion risks, in the tender documentation and contract documents in order for potential bidders to be aware of environmental and social performance requirements expected from them and are able to reflect that in their bids, as they are expected to implement the clauses for the duration of the contract. The Ministry through the PIU will enforce compliance by contractors with these clauses. All these policies are applicable to community workers.

- **Management of workers' rights in accordance with international law and national regulations, including equal opportunity, local recruitment and trade union rights**

Workers' rights in accordance with international law and national regulations will be respected and this includes the right of workers to form unions or workers association of their choice and to bargain collectively with their employers. Similarly, recruitment procedures will be transparent, public, and non-discriminatory, and open with no regard for ethnicity, religion, sexual orientation, disability, sex,

or gender identity. Recruitment of female candidates should be specifically encouraged and promoted.

➤ **Child Labor and Forced labor**

Employment of children under 18 years of age is prohibited. Contractors, suppliers or sub-contractors and agents should under no circumstances be engaged in forced labor practices

➤ **Labor Disputes**

Individual labor disputes on matters between an employer and a worker or between an employer and a group of workers over matters such as terms or condition of employment or performance, demotion, suspension, or termination may be referred to the Commissioner of Labor or to the official of the trade union to which the worker belongs. The latter will bring the matter to the attention of the Commissioner for settlement. Where the Commissioner fails to settle the dispute, the worker or the trade union may bring the matter before the Industrial Tribunal set up by the Labor Act, 2007.

➤ **Discrimination and exclusion of vulnerable/disadvantaged groups**

Appropriate measures of protection and assistance will be provided to address the vulnerabilities of project workers, including specific group of workers, such as women, people with disabilities. Such measures may be necessary only for specific periods, depending on the circumstances of the project worker and the nature of vulnerability. The measures may include addressing working conditions, access to the built environment, and communication of information for project workers with disabilities.

➤ **Compliance with the World Bank's Environmental, Health and Safety (EHS) Guidelines.**

The Guidelines will be fully observed as the measures are aimed at protecting project workers from injury, illness, or impacts associated with exposure to hazards encountered in the workplace or while working will apply to the project and they consider the requirements of ESS2 and national law requirements on OHS and workplace conditions as they apply to the project.

5.2. Procedures

Recruitment of Workers

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. Terms of employment made based on personal characteristics unrelated to inherent work requirements are prohibited.

Recruitment procedures

- Applications for employment will only be considered if submitted via the official application procedures established by the contractors
- Clear job descriptions will be provided in advance of recruitment that 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 In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to

workers who may have difficulty understanding the documentation. The explanation will be provided in a language understood by the worker

- Prior to the physical start of the assignment, all workers will be invited to undergo a medical clearance process to ascertain they are fit to work and bear no undisclosed medical conditions that may be harmful or incompatible with the level of efforts to undertake the work

Working conditions

Workers shall be provided information and documentation that is clear and understandable be provided to workers regarding their terms and conditions of employment. The information and documentation should set out their rights under national labor and employment law (which should include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation, and benefits, as well as those arising from the requirements of ESS2. This information and documentation will be provided at the beginning of the working relationship, and when any material changes, to the terms or conditions of employment occur.

- **Working hours**

Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration

Occupational Health and Safety (OHS)

The Health and Safety specifications will include the following provisions:

- Ensuring workplace health and safety standards in full compliance with Labor Act including (1) basic safety awareness training to be provided to all persons as a pre-condition for presence at an active construction site; (2) all vehicle drivers to have appropriate licenses, (3) Safe management of the area of operational sites.
- All workers and/or visitors on the site to be provided with functional PPE (Personal Protection Equipment) and 15 minutes safety and security briefs prior to going on site.
- All worksites be equipped with (i) fire extinguishers) and (ii) a well designated and easily identifiable emergency gathering point. Appointed Focal Points will help to gear and organize personnel in emergency situation;
- All workplace health and safety incidents to be properly recorded in a register, which will be shared with the PIU. The register should include (1) time and place of incident; (2) type of incident; (3) type of injury or other impact occurring, and number of workers affected; and (4) actions taken (first aid, evacuation etc.). Any registration of SEA/SH or VAC incidents will be undertaken separately and in accordance with the specific procedures set forward under the project GM for the management and resolution of SEA/SH and VAC claims as per the SEP.
- All work sites to have a health and safety plan including identification of potential hazards and actions to be taken in case of emergency, including location of accident and emergency facilities. This includes OHS protocols to mitigate against the transmission of COVID-19 as per the safeguard instruments.
- All employees to be aware of their rights under the Labor Law 2007, including the right to organize.
- All employees to be informed of their rights to submit a grievance through the Project Worker Grievance Mechanism.

A system of regular review of OHS performance and the working environment will be put on place.

VI. AGE OF EMPLOYMENT

The Gambian Law prohibits anyone under 18 from performing “unhealthy or heavy or unsafe” labor. However, minors of 16 years of age can be employed in light work.⁵ Contractors will be required to verify and identify the 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. In addition to document verification, unannounced visits by the labor and safety inspectorate or behavioral observation may raise doubts about an employee's age. In the absence of the above-mentioned documents, the labor inspectorate may refer the matter to the registry office that issued the birth certificate or to the occupational physician for X-ray investigations, which may provide information on the approximate age of the respondent.

If a minor under the minimum labor eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, considering the best interest of the minor. Other measures may include prosecuting the offender and if found guilty will be liable to a fine of fifty thousand or to an imprisonment for a term not exceeding three years or both the fine and imprisonment (Art. 47 Children’s Act 2005). Contractors will need to keep records including verification records, which will be reviewed at regular intervals to ensure that verification has been undertaken.

The minimum age for project workers in this case is 18 years.

VII. TERMS AND CONDITIONS

The employment terms and conditions applicable to PIU employees, including those related to SEA/SH and VAC risk, will be brought to the attention of all new employees and the labor management procedures will apply to all PIU employees who are assigned to work on the project as direct workers. The contractors’ labor management procedure will set out terms and conditions for the contracted workers. These terms and conditions will be in line with this LMP, the Gambia Labor Act 2007 and the Joint Industrial Council Agreement for Artisans and General Workers (2007), Children’s Act (2005).

All terms and conditions as outlined in ESS2, paragraphs 10 to 15 apply to contracted workers. In addition, the following also apply:

- In line with national legislation, the maximum working hours are limited to forty-two hours a week of eight hours per day from Monday to Thursday and five hours per day on Friday and Saturday.
- Employers shall guarantee that the workers shall have at least one resting day per week. The employers shall also decide for the employees to take vacation according to law and any other statutory holidays.
- Recruitment procedures will be transparent, public, and non-discriminatory, and open with respect to ethnicity, religion, sexual orientation, disability, sex, or gender identity. There will be equal pay for equal work, regardless of sex.

⁵Light work means , work which is not likely to be harmful to the health or development of the child and does not affect the child’s attendance to school or the capacity of the child to benefit from schoolwork (ACT 43.1 Children’s Act 2005)

- The wages paid by the employers to the workers shall not be lower than the local minimum wage when it comes into force.
- Provisions of the national laws and ESS2 as contained in the LMP must be followed, including maternity leave for female employees.
- Vulnerable project workers with disabilities, which affect their access of the built environment, will be provided with wheelchairs, whilst those with disability in accessing communication of information will be provided alternative formats of communication, such as large print, Braille, accessible digital formats, or audio tape.

The labor contract shall be provided to workers in writing and shall have the following provisions:

- a) The terms of the labor contract
- b) Works content
- c) Labor protection and working conditions
- d) Remuneration for labor
- e) Labor discipline
- f) Conditions for termination of the labor contract
- g) Responsibility for breach of labor contract
- h) Individual Staff Code of Conduct
- i) Grievance Mechanism

VIII. GRIEVANCE MECHANISM

A grievance mechanism (GM) is a procedure that provides a clear and transparent framework for addressing work-place concerns related to the recruitment process and in the workplace. This typically takes the form of an internal procedure for complaints, followed by consideration and management response and feedback. A GM will be provided for all direct workers and contracted workers to raise workplace concerns, including procedures for the ethical and confidential management of SEA/SH claims in the workplace.

8.1. Principles

The project workers' grievance mechanism is based on the following core principles:

- **Provision of information.** All employees must be informed about the grievance management mechanism at the time of hiring, and details of how it works must be readily available, for example, in documentation provided to employees or on bulletin boards.
- **Transparency of the process.** Workers need to know who they can turn to in the event of a grievance and be informed of the support and sources of advice available to them. All line and senior managers need to be familiar with their organization's grievance management mechanism.
- **Update.** The mechanism must be regularly reviewed and updated, for example by referring to any new statutory directives, any changes in contract or representation.
- **Confidentiality.** The mechanism must ensure that complaints are treated confidentially. If the procedures specify that complaints must first be addressed to the supervisor, it must also be possible to lodge a complaint first with another manager, for example the head of human resources.
- **Reprisal.** The mechanism must ensure that all employees are free from all forms of retaliation.

- **Reasonable time limits.** The mechanism should indicate the time required to thoroughly investigate complaints but should also aim at prompt resolution. The longer the procedure takes, the more difficult it can be for both parties to return to normal afterwards. Time limits should be set for each stage of the procedure, for example, a maximum period between the time a complaint is communicated and the holding of a meeting to consider it.
- **Right of Appeal.** An employee must be able to appeal to the World Bank or national courts if he or she is not satisfied with the initial finding.
- **Right to be accompanied.** At any meeting or hearing, the employee must have the right to be accompanied by a colleague, friend, or union representative.
- **Maintaining a registry.** A written record must be kept documenting all stages of the management of a complaint, including a copy of the initial complaint, the Company's response, recorded notes of any meeting, conclusions, and reasons for such findings. Any case relating to sexual exploitation or sexual abuse must be registered separately and under the strictest confidentiality.
- **Relationship to collective agreements.** Claims procedures must comply with any collective agreement.
- **Relationship to regulations.** The grievance management mechanism must be in accordance with the National Labor Code.

The project will have two sets of GMs. One will be established by the PIU for the direct workers and another by the contractors for the contracted workers.

8.2. Direct workers' GM structure

The GM for Direct Workers will operate at two levels:

First level. The Project Coordinator together with the official responsible for Human Resources issues within the PIU, will oversee the implementation of the GM. The officer responsible for Human Resources will be responsible to receive, consider and address in a timely manner the grievances, including the concerns on unaccounted working hours and lack of compensation for overtime, delay in/non-payment of salaries. The Project Coordinator will support the Officer to find an acceptable solution to the complaint. If the issue cannot be resolved at the first level within seven working days, then it will be escalated to the next level.

Second level. The Permanent Secretary of the Ministry of Environment is the second level in the GM for direct workers. If there is a situation, in which there is no response from the PIU, or if the response is not satisfactory then the complainant has the option to appeal directly to the PC to follow up on the issue. The complaints should be considered, and feedback provided within next seven working days.

It should be noted that any SEA/SH-related claims will be handled under the GM through a separate set of specific procedures designed for the ethical and confidential intake and management of such claims provided in the Stakeholder Engagement Plan (SEP) for the whole project.

8.3. Contracted workers' GM structure

Contractor level. Contractors should develop their own GM and to resolve the grievances of contracted workers.

A Grievance Focal Point (GFP) assigned by the Contractor will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances. If, after seven days, there is no

response from the Grievance Focal Point (GFP) or if the response is not satisfactory, then the complainant has the option to contact the Project Coordinator directly to follow up on the issue. Where the complainant is dissatisfied with the outcome of this process, he/she has the right to take the matter to judicial process.

Each grievance record should be allocated a unique record number reflecting year and sequence of received complaint (see the attached logbook in Annex 3). Complaint records (letter, email, record of conversation) should be stored together, electronically or in hard copy. The Social Safeguards Specialist in the PIU will be responsible for undertaking a regular (at least monthly) review of all grievances to analyze and respond to any common issues arising. The Social Safeguard Specialist is also responsible for oversight of the GM.

Cases relating to SEA/SH should be routed to the project level SEA/ SH channel and workers should be informed of its existence.

IX. COMMUNITY WORKERS

The project intends to promote labor-intensive work during the implementation of sustainable management activities (operation and maintenance). To this end, the project will comply with the provisions of paragraphs 34 to 38 of the ESS No. 2, which will apply to community workers.

The process will be conducted in several stages.

First, the hiring of community workers, in accordance with this ESS n°2, the PIU will ensure that the hiring of the worker is done voluntarily. This requires good documentation to be submitted to the World Bank.

Remuneration will be provided in accordance with this provision, which states: "The Borrower will clearly determine the conditions for mobilizing community labor, including the amount of its remuneration and the terms of payment (if any) as well as the working hours. Therefore, each community worker will have a duly signed contract with the employer. This is a simplified employment contract that includes the legal obligations of Senegalese law in accordance with ESS n°2: the right to a negotiated salary (always higher than the SMIC in order to allow for savings), the obligations of employers and employees, access to health care, access to complaint mechanisms and justice, and respect for working hours (8 hours). Beyond 8 hours, overtime is paid. These obligations also include the provision of health insurance, medical evacuation, etc.

For the hiring of community workers as providers, the PIU will organize an awareness campaign in the different communities so that they are informed of the activities or sub-projects, the job opportunities and the means put in place to enable them to submit their applications.

The project will specify and prioritize an inclusive process towards the most vulnerable and marginalized people and groups (women, disabled, underage children, working age, etc.) and will verify that these same people are well aware of the activities and sub-projects and of their ability to apply. In addition, it will ensure that community workers receive adequate training adapted to the specific needs and potential risks and effects of the project, in accordance with paragraph 38 of ESS No. 2.

It will provide its community workers with PPE and an education package on barrier measures to protect them and their surroundings from the risks and consequences of COVID-19. This personal protection will

be adapted to the likely realities in the field, to protect against situations where there are cases of symptomatic workers.

X. CONTRACTOR MANAGEMENT

The PIU, with support from relevant Implementation Partners, 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 labor management procedures. This may include periodic audits, inspections, and/or spot checks of project locations and work sites as well as of labor management records and reports compiled by contractors.

Contractors' labor management records and reports that may be reviewed would include:

- representative samples of employment contracts or arrangements between third parties and contracted workers
- records relating to grievances received and their resolution
- reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions
- records relating to incidents of non-compliance with national law, and records of training provided for contracted workers to explain OHS risks and preventive measures.

XI. EMPLOYEES OF PRIMARY SUPPLIERS

Suppliers of goods and services will be selected according to the competitive bidding procedures specified in the project procurement plan. The services will be governed by the Labour Code of the Republic of The Gambia and will be performed in compliance with the World Bank's Environmental and Social Standards (ESF).

For service providers, the procedures applicable to contracted workers of the project are applicable. In addition, the project will make the necessary efforts to ensure that third parties who hire contract workers are legally constituted and reliable entities and have developed workforce management procedures tailored to the project. This will be done through periodic cross-checks with suppliers who will have to provide administrative and supporting documents of their existence and with the state institutions that issue these documents.

The project will put in place procedures for managing and monitoring the performance of these third parties. In addition, the project will have to integrate these requirements into contractual arrangements with these third parties, as well as appropriate redress mechanisms in case of non-compliance. Regarding subcontracting, the project will require these third parties to include equivalent provisions and redress mechanisms for non-compliance in their contractual agreements with subcontractors.

Where there is a serious risk relating to security issues relating to employees of primary suppliers, the PIU will require the lead supplier to develop procedures and mitigation measures to address it. These procedures and mitigation measures will be reviewed periodically to verify their effectiveness.

The PIU's ability to manage these risks will depend on the degree of control or influence it exercises over its primary suppliers. If it is not possible to manage these risks, the PIU will, within a reasonable period, replace the main suppliers of the project with suppliers who can demonstrate that they meet the relevant requirements.

Contract workers will have access to the complaints handling mechanism. In the event that the third party that employs or hires them is unable to provide them with a grievance management mechanism, the project will give these contract workers access to the complaint management mechanism mentioned above.

XII. CAPACITY BUILDING

Many of the provisions under the Labor Act 2007 are included in this LMP; the latter considerably exceeds actual practice in labor management in The Gambia. Therefore, to ensure that project partner agencies and contractors meet these obligations, the project will organize trainings and awareness-raising workshops, including those directed at addressing and understanding SEA/SH risk and associated mitigation measures, to be attended by the key project personnel, contractors, representatives of each project partner agency, the Labor Department, and community leaders (village heads and religious leaders) and influential/opinion leaders (youth leaders, women leaders, etc.).

The costs related to the training will be included in the activity program of implementation of the E & S instruments (ESIA/ESMP, RAP etc.).

Annex 1: Select Bibliography

Republic of the Gambia (2005). *The Children's Act*.

----(2007). *Labor Act*.

----(2010). *Women's Act*

----(2007). *Joint Industrial Council Agreement for Artisans and General Workers*

----(1997). *Constitution of the Republic of the Gambia*

World Bank (2018) Environmental and Social Framework (ESF). Washington, DC.

The World Bank, Project Appraisal Document – March 2022 (Draft version)

Annex 2 Codes of Conduct and Action Plan for Implementing ESHS and OHS Standards, and Preventing Gender Based Violence and Violence Against Children

Company Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence and Violence Against Children

The company is committed to ensuring that the project is implemented in such a way which minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the environmental, social, health and safety (ESHS) standards, and ensuring appropriate occupational health and safety (OHS) standards are met. The company is also committed to creating and maintaining an environment in which gender-based violence (GBV) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, sub-contractors, supplier, associate, or representative of the company.

Therefore, to ensure that all those engaged in the project are aware of this commitment, the company commits to the following core principles and minimum standards of behavior that will apply to all company employees, associates, and representatives, including sub-contractors and suppliers, without exception:

General

1. The company—and therefore all employees, associates, representatives, sub-contractors, and suppliers—commits to complying with all relevant national laws, rules and regulations.
2. The company commits to full implementing its 'Contractors Environmental and Social Management Plan' (CESMP).
3. The company commits to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
4. The company shall ensure that interactions with local community members are done with respect and non-discrimination.
5. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives, including sub-contractors and suppliers.
6. The company will follow all reasonable work instructions (including regarding environmental and social norms).
7. The company will protect and ensure proper use of property (for example, to prohibit theft, carelessness or waste).

Health and Safety

1. The company will ensure that the project's occupational health and safety (OHS) Management Plan is effectively implemented by company staff, as well as sub-contractors and suppliers.
2. The company will ensure that all persons' on-site wear prescribed and appropriate personal protective equipment, preventing avoidable accidents and reporting conditions or practices that pose a safety hazard or threaten the environment.
3. The company will:
 - i. prohibit the use of alcohol during work activities
 - ii. always prohibit the use of narcotics or other substances which can impair faculties

4. The company will ensure that adequate sanitation facilities are available on site and at any worker accommodations provided to those working on the project.

Gender Based Violence and Violence Against Children

1. Acts of GBV or VAC constitute gross misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment, and if appropriate referral to the Police for further action.
2. All forms of GBV and VAC, including grooming are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or within the local community.

Sexual Harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior, is prohibited.

Sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior are prohibited.

3. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
4. Unless there is full consent⁶ by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the workplace are prohibited. 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.
5. In addition to company sanctions, legal prosecution of those who commit acts of GBV, or VAC will be pursued if appropriate.
6. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with project's GBV and VAC Allegation Procedures.
7. Managers are required to report and act to address suspected or actual acts of GBV and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.

Implementation

To ensure that the above principles are implemented effectively the company commits to ensuring that:

⁶**Consent** 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 using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if 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 defense.

1. All managers sign the project's 'Manager's Code of Conduct' detailing their responsibilities for implementing the company's commitments and enforcing the responsibilities in the 'Individual Code of Conduct'.
2. All employees sign the project's 'Individual Code of Conduct' confirming their agreement to comply with ESHS and OHS standards, and not to engage in activities resulting in GBV or VAC.
3. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
4. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
5. An appropriate person is nominated as the company's 'Focal Point' for addressing GBV and VAC issues, including representing the company on the GBV and VAC Compliance Team (GCCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local service provider(s).
6. Ensuring that an effective GBV and VAC Action Plan is developed in consultation with the GCCT which includes as a minimum:

GBV and VAC Allegation Procedure to report GBV and VAC issues through the project Grievance Redress Mechanism (Section 4.3 Action Plan);

Accountability Measures to protect confidentiality of all involved (Section 4.4 Action Plan); and,

Response Protocol applicable to GBV and VAC survivors and perpetrators (Section 4.7 Action Plan).

7. That the company effectively implements the agreed final GBV and VAC Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
8. All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments to ESHS and OHS standards, and the project's GBV and VAC Codes of Conduct.
9. All employees attend a mandatory training course once a month for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's ESHS and OHS standards and the GBV and VAC Code of Conduct.

I do hereby acknowledge that I have read the foregoing Company Code of Conduct, and on behalf of the company agree to comply with the standards contained therein. I understand my role and responsibilities to support the project's OHS and ESHS standards, and to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Company Code of Conduct or failure to act mandated by this Company Code of Conduct may result in disciplinary action.

Date: _____ Signed at Location: _____

Printed Name: _____

Signature: _____

Company Code of Conduct

Implementation of ESHS and HST standards

Prevention of gender-based violence and violence against children

The company is committed to ensuring that the project is implemented in a way that minimizes any negative impact on the local environment, communities, and its workers. To do this, the company will comply with Environmental, Social, Health and Safety (ESHS) standards and ensure that the appropriate Occupational Health and Safety (HST) standards are met. The company is also committed to creating and maintaining an environment in which Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) and Violence Against Children (VAC) do not take place – they will not be tolerated by any employee, contractor, supplier, associate, or representative of the Company.

Therefore, to ensure that everyone involved in the project is aware of this commitment, the company is committed to the following fundamental principles and minimum standards of behavior, which will apply without exception to all employees, associates, and company representatives, including contractors and suppliers:

General

1. The company - and therefore all employees, associates, representatives, contractors, and suppliers - agrees to comply with all relevant national laws, rules, and regulations.
2. The company undertakes to fully implement its “Entrepreneurs' Environmental and Social Management Plan” (E-PGES).
3. The company is committed to treating women, children (persons under the age of 18) and men with respect, regardless of their race, color, language, religion, political or other opinion, national, ethnic, or social origin, level of wealth, disability, citizenship, or other status. Acts of Sexual Exploitation and Abuse/Sexual Harassment and VAC constitute a breach of this commitment.
4. The company ensures that interactions with members of the local community take place with respect and in the absence of discrimination.
5. Language and behavior that is demeaning, threatening, harassing, abusive, culturally, or sexually inappropriate, or provocative is prohibited among all Company employees, associates, and representatives, including contractors and suppliers.
6. The company will follow all reasonable work instructions (including those relating to environmental and social standards).
7. The company will protect the assets and ensure their proper use (for example, prohibit theft, negligence, or waste).

Health and Safety

8. The company will ensure that the project's Occupational Health and Safety (OHS) management plan is effectively implemented by company personnel, as well as contractors and suppliers.
9. The company will ensure that all persons on the job site wear the appropriate Personal Protective Equipment (PPE) as prescribed, to prevent avoidable accidents and to report conditions or practices that pose a safety risk or threaten the environment.
10. The company :

- i. Prohibit the consumption of alcohol during work
 - ii. Prohibit the use of narcotics or other substances that may impair faculties at any time
11. The company will ensure that adequate sanitary facilities are available for workers on site and in all project worker accommodation.

Gender-based violence and violence against children

12. The actions of SEA/SH and VAC constitute serious misconduct and may therefore result in sanctions, including penalties and/or dismissal, and, if appropriate, referral to the police for further action.
13. All forms of SEA/SH and VAC, including the solicitation of children, are unacceptable, whether they take place in the workplace, in the vicinity of the workplace, in work camps or in the local community.
- i. Sexual harassment - for example, making unwanted sexual advances, asking for sexual favors, or engaging in verbal or physical behavior that has a sexual connotation, including subtle acts, is prohibited.
 - ii. Sexual favors — for example, it is prohibited to promise or perform favors conditioned on sexual acts, or other forms of humiliating, degrading or exploitative behavior.
14. Any sexual contact or activity with children under the age of 18, including through digital media, is prohibited. Lack of knowledge of the child's age cannot be invoked as a defense. Nor can the child's consent constitute a defense or an excuse.
15. Unless there is full consent without reservation⁷ from all parties involved in the sexual act, sexual interactions between Company employees (at any level) and members of the surrounding communities are prohibited. This includes relationships involving the withholding/promising of a benefit (monetary or non-monetary) to members of the community in exchange for sexual activity – such sexual activity is considered as sexual exploitation and “non-consensual” under this Code.
16. In addition to the sanctions applied by the company, legal proceedings against the authors of acts of the SEA/SH or VAC will be initiated, if necessary.
17. All employees, including volunteers and contractors, are strongly encouraged to report suspected or actual acts of SEA/SH and/or VAC committed by a colleague, whether at the same company or not. Reports must be submitted in accordance with the project's SEA/SH and VAC Allegation Procedures.
18. Managers are required to report suspected or actual acts of SEA/SH and/or VAC and act accordingly, as they are responsible for upholding company commitments and holding their direct reports accountable for such actions. acts.

Implementation

To ensure that the principles set out above are effectively implemented, the company undertakes to ensure that:

⁷ Full consent without reservations in the context of economic and social power differences between the company employees and the community members might be very hard to prove therefore company employees at any level are strongly discouraged of initiating any sexual interactions with community members.

19. All managers sign the project's "Managers' Code of Conduct", which details their responsibilities, including implementing company commitments and enforcing the obligations of the "Individual Code of Conduct".
20. All employees sign the project's "Individual Code of Conduct" confirming their commitment to comply with ESHS and HST standards, and not to engage in activities resulting in SEA/SH or VAC.
21. Company and individual Codes of Conduct should be prominently displayed in work camps, offices and in public areas of the workspace. Examples of these spaces are the waiting, rest and reception areas of the sites, the canteens, and the health centers.
22. Posted and distributed copies of the Company Code of Conduct and the Individual Code of Conduct must be translated into the appropriate language used in the worksite areas as well as the native language of any international personnel.
23. A designated person should be appointed as the company's " Focal Point " for handling SEA/SH and VAC matters, including representing the company on the Compliance Team (CT) against SEA/SH and the VACs, which is composed of representatives of the client, the contractor(s), the supervision consultant, and the local service provider(s).
24. In consultation with the Compliance Team (CT), an effective Action Plan should be developed, which should include at least the following provisions:
 - i. SEA/SH and VAC Incident **Allegation Procedure** for reporting SEA/SH and VAC incidents through the Complaints Mechanism (Section 4.3 Action Plan);
 - ii. **Accountability and confidentiality measures** to protect the privacy of all involved (Section 4.4 Action Plan); and
 - iii. The **Response Protocol** for survivors and perpetrators of GBV and VAC (Section 4.7 Action Plan).
25. The company shall effectively implement the final agreed Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) and Child Abuse (CVA) Mitigation Action Plan, making informs the Compliance Team (CT) of possible improvements and updates, if necessary.
26. All employees must complete an orientation course before commencing work on site to ensure they are aware of the company's commitments to ESHS and HST standards, as well as Codes of Conduct on site and its Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) and Violence Against Children (VAC) measures.
27. All employees must attend a mandatory training course once a month for the duration of the contract, starting with an initial training at the time of entry into service before the start of work, in order to reinforce the understanding of ESHS and HST standards as well as the SEA/SH and VAC measures and Code of Conduct.

I hereby acknowledge having read the above Company Code of Conduct and agree on behalf of the company, to abide by the standards contained therein. I understand my role and responsibilities to support the Occupational Health and Safety (OHS) standards and the Environmental, Social, Health (ESH) and Safety (ESHS) standards of the project, and to prevent and combat acts of GBV and VAC. I understand that any action inconsistent with this Code of Business Conduct or failure to act in accordance with this Code of Business Conduct may result in disciplinary action.

Company Name: _____

Signature: _____

Name in full: _____

Title: _____

Date: _____

Manager's code of conduct

Implementation of ESHS and HST standards Prevention of Sexual Exploitation and Abuse (SEA), Sexual Harassment (HS) and Violence Against Children (VAC)

Managers at all levels should uphold the company's commitment to implement Environmental, Social, Health and Safety (ESH) standards and Health and Safety requirements in the workplace. Work (HST), as well as to prevent and deal with SEA/SH and VAC. This means that managers have a heavy responsibility to create and maintain an environment that meets these standards and helps prevent SEA/SH and VAC. They must support and promote the implementation of the Company's Code of Conduct. To this end, they must comply with the Manager's Code of Conduct and sign the Individual Code of Conduct. In doing so, they undertake to support the implementation of the Contractors Environmental and Social Management Plan (E-ESMP) and the Occupational Health and Safety (HST) Standards Management Plan, as well as to develop systems that facilitate the implementation of the GBV and VAC Action Plan. They must ensure a safe workplace as well as a SEA/SH and VAC free environment both in the workplace and in local communities. These responsibilities include, but are not limited to:

Implementation

1. Ensure maximum effectiveness of the Company Code of Conduct and the Individual Code of Conduct:
 - i. Visibly display the Company Code of Conduct and Individual Code of Conduct by prominently displaying them in work camps, offices, and public areas of the workplace. Examples of areas include venue waiting, rest and reception areas, canteens, and healthcare facilities;
 - ii. Ensure that all posted and distributed copies of the Company Code of Conduct and Individual Code of Conduct are translated into the appropriate language that is used in the workplace as well as the native language of any international employee.
2. Explain orally and in writing the Company Code of Conduct and the Individual Code of Conduct to all staff.
3. Ensure that:
 - i. All direct reports sign the "Individual Code of Conduct", confirming that they have read and agree to it;
 - ii. Staff rosters and signed copies of the Individual Code of Conduct are provided to the OHS manager, the Compliance Team (CT) and the client;
 - iii. Participate in training and ensure that staff also participate, as detailed below;
 - iv. Establish a mechanism for staff to:
 - a) Report concerns regarding compliance with ESHS standards or HST standards requirements; and
 - b) Confidentially report incidents of GBV or VAC through the Complaints and Grievances Mechanism
 - v. Staff members are encouraged to report suspected and proven issues related to ESHS standards and HST requirements, SEA/SH, or VAC, emphasizing the responsibility of staff to the company and country where they work and respecting the principle of confidentiality.

4. In accordance with applicable laws and to the best of your ability, prevent perpetrators of sexual exploitation and abuse from being hired, rehired, or deployed. Check the backgrounds and criminal records of all employees.
5. Ensure that when entering partnership, subcontracting, supplier or similar agreements, these agreements:
 - i. Include in appendices the codes of conduct on ESHS standards, HST requirements, SEA/SH, and VAC;
 - ii. Incorporate appropriate language requiring such contracting entities and individuals under contract, as well as their employees and volunteers, to comply with the Individual Code of Conduct;
 - iii. Expressly state that the failure of such entities or individuals, as the case may be, to ensure compliance with ESHS standards and HST requirements ;to take preventive measures to combat SEA/SH and VAC ;to investigate related allegations or take corrective action when acts of SEA/SH and VAC are committed – all of this is not only grounds for sanctions and penalties under individual Codes of Conduct, but also grounds for termination project work or service agreements.
6. Provide support and resources to the Compliance Team (CT) on SEA/SH and VAC to create and disseminate internal awareness initiatives through the outreach strategy under the SEA/SH Action Plan against SEA/SH and VAC.
7. Ensure that any GBV or VAC issues warranting police action are immediately reported to law enforcement⁸, the client and the World Bank.
8. Report any suspected or proven acts of SEA/SH and/or VAC and respond in accordance with the Response Protocol (Section 4.7: Response Protocol), as managers have the responsibility to uphold the commitments of the company and to hold their subordinates directly responsible for their actions.
9. Ensure that any major incidents related to ESHS standards or HST requirements are reported immediately to the client and the supervising engineer.

Training

10. Managers are responsible for:
 - i. Ensuring that the OHS Standards Management Plan is implemented, accompanied by adequate training for all staff, including contractors and suppliers;
 - ii. Ensuring that staff have an adequate understanding of the E-ESMP and receive the necessary training to implement its requirements.
11. All managers are required to complete a Manager Induction course before commencing work on site to ensure they are aware of their roles and responsibilities with respect to compliance with both GBV and VAC aspects of these Codes of Conduct. This training will be separate from the pre-service training required of all employees and will provide managers with the proper understanding and technical support needed to begin developing the Action Plan to address issues related to SEA/SH and VAC.
12. Managers are required to attend and contribute to the monthly training courses facilitated by the project and delivered to all employees. They will be required to present training and self-

⁸ Unless there is a mandatory reporting on GBV and VAC in the national legislations any legal action and reporting to the police or authorities should be done only with informed consent of the survivor.

assessments, including encouraging the compilation of satisfaction surveys to assess satisfaction with the training and to provide advice on how to improve its effectiveness.

13. Ensure that there is scheduled time available during working hours for staff to attend the project's mandatory induction training on the following topics:
 - i. HST requirements and ESHS standards; and
 - ii. SEA/SH and VAC; this training is required of all employees.

14. During civil works, ensure that personnel undergo continuous training on HTS requirements and ESHS standards, as well as the mandatory monthly refresher course required of all employees to deal with the increased risk of SEA/SH and of VAC.

Response

15. Managers will need to take appropriate action to respond to any incident related to ESHS standards or HST requirements.
16. Regarding SEA/SH and VAC:
 - i. Contribute to the Procedures relating to allegations of SEA/SH and VAC (Section 4.2 of the Action Plan) and the Response Protocol (Section 4.7 of the Action Plan) developed by the Compliance Team (CT) in the framework of the final SEA/SH and VAC Action Plan approved;
 - ii. Once adopted by the company, managers will need to apply the Accountability and Confidentiality measures (Section 4.4 of the Action Plan) set out in the SEA/SH and VAC Action Plan, in order to maintain confidentiality about the identity of employees who report or (allegedly) commit acts of SEA/SH and VAC (unless a breach of confidentiality is necessary to protect persons or property from serious harm or if required by law requires);
 - iii. If a manager has any concerns or suspicions about any form of SEA/SH or VAC committed by one of their direct reports or by an employee working for another contractor in the same workplace, they are required to report the case by referring to complaints' mechanisms;
 - iv. Once a sanction has been determined, the managers concerned are supposed to be personally responsible for ensuring that the measure is effectively applied, within a maximum period of 14 days following the date on which the sanction decision was issued;
 - v. If a manager has a conflict of interest due to personal or family relationships with the survivor and/or abuser, they must inform the company concerned and the Compliance Team (CT). The company will be required to appoint another manager who has no conflict of interest to handle complaints;
 - vi. Ensure that any SEA/SH or VAC-related issues warranting police action are immediately reported to law enforcement⁹, the client, and the World Bank.

17. Managers who do not address incidents related to ESHS standards or HST requirements, or who fail to report incidents related to SEA/SH and VAC or who do not comply with the provisions relating to SEA/SH and VAC, may be subject to disciplinary action, which will be determined and issued by the CEO, Managing Director, or equivalent senior manager of the company. These Measures May Include :
 - i. The informal warning

⁹ Unless there is a mandatory reporting on GBV and VAC in the national legislations any legal action and reporting to the police or authorities should be done only with informed consent of the survivor.

- ii. The formal warning
- iii. Additional training
- iv. The loss of a maximum of one week's salary
- v. Suspension of the employment relationship (without pay), for a minimum period of one month and a maximum period of six months
- vi. The dismissal.

18. Finally, the failure of managers or the CEO of the company to respond effectively to cases of violence related to Environmental and Social, Hygiene and Health (ESHS) and Occupational Hygiene and Health standards (HST) and responding to Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) and Violence Against Children (VAC) in the workplace, may result in legal action before national authorities.

I hereby acknowledge that I have read the Manager Code of Conduct above, agree to abide by the standards therein, and understand my roles and responsibilities in preventing and responding to ESHS-related requirements, to HST, SEA/SH and VAC. I understand that any action inconsistent with the Manager's Code of Conduct or failure to act in accordance with this Manager's Code of Conduct may result in disciplinary action.

Signature: _____

Name in full: _____

Title: _____

Date: _____

Individual code of conduct

Implementation of ESHS standards and HST requirements

Prevention of Sexual Exploitation and Abuse (SEA), Sexual Harassment (HS) and Violence Against Children (VAC)

I, _____, acknowledge the importance of complying with Environmental, Social, Health (ESH) and Safety (ESHS) standards, to comply with the project's Occupational Health and Safety requirements (HST) and to prevent Sexual Exploitation and Abuse (SEA), Sexual Harassment (HS) and Violence Against Children (VAC).

The company considers that non-compliance with Environmental, Social, Hygiene (ESH) and Safety (ESHS) standards and Occupational Health and Safety (HST) requirements, or failure to participate in activities to fight against Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) as well as Violence Against Children (VAC) whether in the workplace – around the workplace, in work camps, workers or in surrounding communities – constitutes serious misconduct and is therefore subject to sanctions, penalties or possible dismissal. Prosecutions can be initiated by the police against the perpetrators of SEA/SH or VAC, if necessary.

While working on the project, I consent to:

1. Attend and actively participate in training courses related to Environmental, Social, Health (ESH) and Safety (ESHS) standards, and Occupational Health and Safety (OHS) requirements, HIV/AIDS, SEA/SH and VAC, as required by my employer
2. Wear my Personal Protective Equipment (PPE) at all times in the workplace or during project-related activities
3. Take all practical measures to implement the Contractors Environmental and Social Management Plan (E-PGES)
4. Implement the HST Management Plan
5. Adhere to a zero-tolerance policy regarding the consumption of alcohol while at work and refrain from consuming narcotics or other substances that may impair my faculties at any time
6. Let the police check my background
7. Treat women, children (persons under the age of 18) and men with respect, regardless of race, color, language, religion, political or other opinion, national, ethnic, or social origin, level of wealth, disability, citizenship, or other status
8. Not address women, children, or men with inappropriate, harassing, abusive, sexually provocative, degrading or culturally inappropriate language or behavior
9. Not engage in sexual harassment – for example, making unwanted sexual advances, asking for sexual favors, or engaging in any other verbal or physical behavior with a sexual connotation, including subtle acts of such behavior (for example, staring at someone one up and down kissing or blowing kisses making sexual innuendos by making noises; brushing against someone; whistling; giving personal gifts; making comments about someone's sex life, etc.);
10. Not engage in sexual favors – for example, making promises or making favorable treatment conditional on sexual acts – or other forms of humiliating, degrading or abusive behavior
11. Not engage in sexual contact or activity with children (persons under the age of 18) – including the malicious solicitation of children – or contact through digital media; ignorance of the child's

age cannot be invoked as a defense; nor can the child's consent constitute a defense or an excuse;

12. Unless full consent without reservations is obtained¹⁰ of all parties concerned, not to have sexual interactions with members of neighboring communities; this definition includes relationships involving the refusal or promise to actually provide a benefit (monetary or non-monetary) to members of the community in exchange for sexual activity – such sexual activity is considered sexual exploitation and “non-consensual” for purposes of this Code
13. Consider reporting through the complaints and grievances mechanisms or to my manager any suspected or proven cases of SEA/SH or VAC committed by a co-worker, whether co-worker is employed by my company, or any violation of this Code of Conduct.

For children under the age of 18:

14. Whenever possible, ensure that another adult is present when working near children.
15. Not to invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or physical danger
16. Do not use computers, mobile phones, video devices, digital cameras or any other medium to exploit or harass children or to access child pornography (see also the section " Use of images of 'children for professional purposes ' below)
17. Refrain from corporal punishment or disciplinary action against children
18. Refrain from engaging children under the age of 14 for domestic work or any other work, unless national law sets a higher age or exposes them to a significant risk of injury
19. Comply with all relevant local laws, including labor laws relating to child labor and World Bank safeguard policies on child labor and minimum age
20. Take the necessary precautions when photographing or filming children (refer to Annex 2 for further details).

Use of images of children for professional purposes

When photographing or filming a child for professional purposes, I must:

21. Before photographing or filming a child, assess and endeavour to respect local traditions or restrictions on the reproduction of personal images
22. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian; to do this, I have to explain how the photograph or film will be used;
23. Ensure that photographs, films, videos, and DVDs present children in a dignified and respectful manner, and not in a vulnerable or submissive manner; children should be dressed appropriately and not strike poses that could be considered sexually suggestive
24. Ensure images are honest representations of context and facts
25. Ensure that file tags do not reveal information that identifies a child when sending images electronically.

¹⁰ Full consent without reservations in the context of economic and social power differences between the company employees and the community members might be very hard to prove therefor company employees at any level are strongly discourage of initiating any sexual interactions with community members.

Penalties

I understand that if I violate this Individual Code of Conduct, my employer will take disciplinary action which may include:

1. The informal warning
2. The formal warning
3. Additional training
4. Loss of up to one week's salary
5. Suspension of the employment relationship (without pay), for a minimum period of one month and a maximum period of six months
6. The dismissal
7. Reporting to the police, if applicable

I understand that it is my responsibility to ensure that environmental, social, health and safety standards are met. That I will comply with the Occupational Health and Safety Management Plan. That I will avoid acts or behaviors that could be construed as SEA/SH and VAC. Any such act will constitute a violation of this Individual Code of Conduct. I hereby acknowledge that I have read the aforementioned-Individual Code of Conduct, agree to abide by the standards therein, and understand my roles and responsibilities in preventing and responding to cases related to ESHS standards and requirements HST, SEA/SH and VAC. I understand that any action inconsistent with this Individual Code of Conduct or failure to act in accordance with this Individual Code of Conduct could result in disciplinary action and impact my continued employment.

Signature: _____

Name in full: _____

Title: _____

Date: _____