

**REPUBLIC OF THE GAMBIA**



**Harmonizing and Improving Statistics in West and  
Central Africa Project-Series of Projects One  
(HISWACA-SOP1) (P178497)**

**Labor Management Procedures (LMP)**

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## **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
GBoS	Gambia Bureau of Statistics
GFP	Grievance Focal Point
GoTG	Government of The Gambia
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
NSO	National Statistics Office
NSS	National Statistical System
OHS	Occupational Health and Safety
PIU	Project Implementation Unit
PPE	Personal Protective Equipment
SEA/SH	Sexual Exploitation and Abuse/SH
SEP	Stakeholder Engagement Plan
VAC	Violence Against Children
WB	World Bank

# 1 INTRODUCTION

This Labor Management Procedures (LMP) is intended to address the specific labor related risks and impacts that are anticipated to occur because of the implementation of the Harmonizing and Improving Statistics in West and Central Africa (HISWACA) project in The Gambia. It sets out a formal system by which the Gambia Bureau of Statistics (GBoS), Project Implementation Unit (PIU) and the project contractor will manage and implement mitigation measures to avoid or reduce impacts on workers.

The Project was prepared under the World Bank's Environment and Social Framework (ESF), which requires all World Bank Borrowers to agree to comply with the ten Environmental and Social Standards (ESSs) applied to investment project lending financed by the Bank. The project recognizes the significance of ESSs, and adopts them for identifying, assessing, and managing the environmental and social risks and impacts associated with the project. The project's environmental and social risks are classified as moderate. The Borrower has developed key instruments such as the Environmental and Social Commitment Plan (ESCP), the Stakeholder Engagement Plan (SEP) and the Environmental and Social Management Plan (ESMP) to address these risks.

ESS2 (Labor and Working Conditions) requires the Borrower to develop Labor Management Procedures (LMP). The LMP helps identify main labor requirements and the associated risks and helps the Borrower to determine the resources necessary to address labor issues. The LMP is a living document and is reviewed and updated throughout development and implementation of the project. The present document details the type of workers likely to be contracted by the project and the management thereof.

ESS4 (Environment and Social Framework on Community Health and Safety) puts emphasis on community exposure to risks and impacts of the project and includes road safety risks, as well as addressing water-related, communicable, and non-communicable diseases that can result from project activities and have impact on project labor as well as the community.

## 1.1 Purpose and Objectives of the LMP

The LMP will facilitate the planning and implementation of the project's activities in relation to its labor force, including identification of labor requirements and risks, and impacts and the required resources to address them. It will enable different project-related parties including staff of the PIU, contractors and sub-contractors, and project workers, to have a clear understanding of what is required on a specific labor issue. The objectives of the LMP include to:

- i. To promote fair treatment, non-discrimination, and equal opportunity of project workers.
- ii. Ensure the protection of project workers, including vulnerable workers such as women, persons with disabilities and migrant workers, contracted workers, and primary supply workers, as appropriate.
- iii. Provide a system for preventing the use of all forms of forced labor
- iv. Address child labor, and prevent worst forms of child labor
- v. Promote the principles of freedom of association and collective bargaining of project workers in a manner consistent with national labor laws, policies, regulations and the ESS2
- vi. Promote occupational, health and safety at the GBoS Complex site during rehabilitation activities.
- vii. Provide a Grievance Mechanism (GM) for project workers to raise their concerns.

## 2 DESCRIPTION OF THE PROJECT

HISWACA-SOP1 aims to improve the statistical performance, harmonization, and data access and use of participating countries and regional bodies in West Africa (AFW) and to support the modernization of their statistical systems. The components of the project are as follows:

### **Component 1: Harmonization and Production of Core statistics Using Harmonized Methodologies**

The first component is to produce harmonized tools (classifications, methodologies, etc.) at the continental and sub-regional levels and support the production of core statistics using the previous harmonized tools. Activities under this component aim to improve pillars 4 (data sources) and 5 (data infrastructure) of the Statistical Performance Index (SPI), where participating countries in the regions are doing poorly in terms of statistical performance. Indeed, while harmonization will help the adoption of international standards, the production of a core set of economic, social and demographic statistics is needed to meet users' demand for statistics. Activities implemented through this component will also be instrumental to ensuring performance of the National Statistical Systems (NSSs) regarding the availability of indicators required to monitor most of the Sustainable Development Goals (SDGs) (pillar 3 of the SPI). It comprises the following:

- a) **Subcomponent 1.1: Regional Coordination and Adoption of Harmonized Data Quality Standards** - Improved data comparability through harmonization at the regional and sub-regional levels:
  - support AU in monitoring the second Strategy for the Harmonization of Statistics in Africa (SHaSA2) initiative.
  - design and the adoption of harmonized standards in national accounts, Consumer Price Index (CPI), and household surveys.
  
- b) **Sub-component 1.2: Demographic and Socio-Economic Statistical Production** - Support demographic and socio-economic statistics. The activities will include:
  - The implementation of a core set of social statistics, including population census.
  - The implementation of household surveys in The Gambia.
  - Support The Gambia in the implementation of Demographic Health Survey/Multiple Indicator Cluster Survey (DHS/MICS).
  - Supporting The Gambia in building a system of labor statistics by financing labor force surveys.
  
- c) **Subcomponent 1.3. Real and Fiscal Sector Statistical Production** - Enhance core economic statistics. The scope of economic statistics is wide; it involves enterprise statistics, national accounts, Consumer Price Index and other prices and production indices, external trade statistics, public finance statistics, etc. The proposed sets of activities will include:
  - Support to implement a coherent system of enterprise statistics (business registers, administrative data, censuses, and surveys) in The Gambia.
  - Support to improve the quality of government finance statistics.

- Support the modernization and rebasing of national accounts using international standards.
- d) Subcomponent 1.4. Agricultural and Climate Change Statistical Production** - Support agricultural and fishery statistics. The activities will include:
- Support to implement an integrated system of agricultural sample censuses and surveys. The project will support the improvement of annual agriculture surveys and the design and implementation of livestock data collection in The Gambia; and
  - Support other data collection activities as necessary, including supporting The Gambia to advance in the collection and production of a set of core climate change statistics and indicators relevant to the country and the region.
- e) Subcomponent 1.5. Sectoral and Sub-National Administrative Data Curation** - Support sectoral and geospatial statistics from administrative sources. The project will:
- Support to improve administrative data for health and education as well as other sectors, depending on the situation in The Gambia; and
  - Support to strengthen capacity of GBoS in the production of core statistics at the sub-national level.

## **Component 2. Supporting Statistical Modernization of Participating Countries' NSOs**

The second component supports statistical modernization, institutional reforms, improve data access, dissemination, and use, and human resources development. This component aims to support NSOs of participating countries to prepare themselves in moving toward what the 2021 World Development Report (WDR) called an Integrated National Data System. It will also support institutional reforms. All the participating countries have a Statistics Act that underpins the collection, management, and dissemination of official statistics. These Statistics Acts align with the United Nations (UN) Fundamental Principles of Official Statistics and the African Charter on Statistics. In almost all these countries, the Statistics Acts provide for the NSO to be an autonomous agency of the Government with its own governing board, which raises the profile of statistics, enhances the integrity and credibility of official statistics in the eyes of the public. However, most of the Statistics Acts lack provisions for sustainable funding of statistical activities. In this regard, the key principles of institutional reforms to be supported are to finance technical assistance to participating countries seeking to update their Statistics Act to include provisions for sustainable funding of statistical activities. The component also supports data access and dissemination, harmonized time series at the continental and sub-regional levels and time series and micro-data at the national level. Doing so will therefore improve their performance regarding data services (pillar 2 of the SPI). This second component also invests in human capital, academic training in statistics, and on-the-job staff training, when skills need improvement. This will help address the shortage of statisticians with expertise and skills in specialized areas faced by countries in both regions, such as national accounts, agricultural statistics, household surveys, trade statistics, financial statistics, and price statistics. The following are sub-components:

- a) **Subcomponent 2.1: Statistical Modernization of National Statistical Offices (NSOs)** - Support production of statistics using new data sources, including based on private intent data.
- b) **Subcomponent 2.2: Institutional Reforms for Selected National Statistical Systems (NSSs)** - Supporting institutional reforms for better coordination of the NSS and improving sustainable funding.
- c) **Subcomponent 2.3: Enhance human capital Support** - For those already working in the NSS, on-the-job training will be provided to enhance the knowledge of those already working and expose them to new emerging techniques and tools.
- d) **Subcomponent 2.4: Data Accessibility and Dissemination** - Improving data access and dissemination at national levels. This subcomponent is designed to address this issue to boost access and usage of existing statistics. The project will support the implementation of an open data system for archiving and distributing long -time series at the national level.
- e) **Subcomponent 2.5: Data Use and Analysis to Inform Public Policy** - Enhance the use of data to inform public policies. The project will focus on a set of activities to improve data use. First, the project will help the NSS with the establishment of tools that can be used for analytical work to inform policy decisions such as Social Accounting Matrix (SAM), BOOST, economic models, etc., and collaborate with the 50x2030 Initiative to provide technical assistance in strengthening statistical capacities.
- f) **Subcomponent 2.6: Periodic data user satisfaction surveys.** The project will finance NSOs to undertake regular harmonized user satisfaction surveys to measure how statistical products or services supplied meet or surpass users' expectations.

### **Component 3: Support Physical Infrastructure upgrading and Modernization**

The NSOs in the participating countries are the leading official statistical agencies within the NSS in data production which means that government will play a critical role to enable value creation in the data produced. They are a key factor in the productivity of any NSS institution and its performance. For example, power shortages and low internet bandwidth can severely limit productivity. Similarly, data statistical software such as SPSS, STATA, etc. are basic data manipulation tools (process of organizing information to make it readable and understandable) and allow data sharing and accessibility of statistical production. In many countries, these tools are not readily available, and some staff use their own private resources for official business. This component aims to strengthen the capacity of NSOs and statistical schools with the equipment and tools needed to adequately fulfill their mandates. Under this component, the project will support the construction of a new building or rehabilitation of physical and Information and Communication Technology (ICT) infrastructure for NSOs and schools of statistics. Needs assessment will be conducted country-by-country with the NSO. For countries without a great structure, rebuilding will be the next step:

- a) **Subcomponent 3.1 Construction and Infrastructure Upgrading of selected National Statistical Offices (NSOs) and Regional Statistical Schools:** Under this activity, the project will support the modernization of the GBoS physical infrastructure by upgrading the office complex with modern facilities and providing needed office furniture and equipment for the entire statistical cycle from

production through dissemination. Availability of requisite infrastructure is critical for the smooth functioning of the NSS and timely delivery of key statistical activities by GBoS. Light renovation and upgrades will be financed such as the following: i) Repairing leakages and cracks in the walls, tiling of walls and floors of the GBoS building; ii) Repainting where necessary; iii) Repartitioning offices to create space for activities such as a data center.

- b) **Subcomponent 3.2: Modernization of Information and Communications Technology (ICT) and Statistical Infrastructure of National Statistical Offices (NSOs) and Regional Statistical Schools.** Under this component, activities include upgrading IT systems, improving access to and use of innovative tools such as statistical software (including tools to conduct geospatial analysis), and increasing access to innovative practices through subscriptions to scientific journals. These activities aim to strengthen the reforms in digitization of data production and dissemination and to provide GBoS with the necessary training equipment to support the training of students and GBoS staff in CAPI and management of GIS. Ultimately, the NSS will be able to leverage economies of scale that come with increased digitalization through improved quality of data collection activities, and reduce time taken to provide statistical information available to end-users of the data.

#### **Component 4: Project Management, Monitoring, and Evaluation**

The goal of this component is to support the project's management and monitoring/evaluation. This component will also support regular user satisfaction surveys to measure how well the statistical products or services produced meet or exceed user expectations. Indeed, data users are the customers of statistical systems and are clearly the most important component of the NSS. Data is generated because there is demand from the users. In addition, some data users are responsible for providing resources. Therefore, it is important that users are satisfied with the scope, quality and timeliness of the data produced. Therefore, the result of these studies serves as a basis for continuous improvement and a more responsive NSS for end users.



### 3 OVERVIEW OF LABOR USE ON THE PROJECT

#### 3.1 Project Activities Requiring Labor Use

The following types of workers are expected to be engaged in the project:

- a. **Direct workers** include GBoS staff who will work on the project for the duration of the project preparation and implementation.
- b. **Contracted workers** who will be working during the rehabilitation activities under component 3 and the field enumerators, supervisors, data analysts, to be engaged during the censuses and surveys under components 2 and 3. These will include Consultants and contractors who will provide technical services as may be required from time to time by the implementing agencies to provide technical assessments or studies, and other related technical work when necessary (under components 1, 2, 4).
- c) **Primary Supply Workers** are suppliers who, on an ongoing basis, provide goods or materials directly to the Project (relevant for component 3).
- d) **Technical advisers/government civil servants** who are mainly government civil servants in The Gambia on secondment from their home agencies to the project working in the PIU.
- e) **Potential use of migrant workers/specialized workers outside the project area** because of the international and technical nature of the Project. The GBoS PIU will be responsible for ensuring that any employment/engagement of migrants for the project will conform to the provisions of ESS2 and the national laws of The Gambia in which the migrant workers will be employed in relation to the Project.

The sub projects and activities that will be implemented under this project will not require the use of community workers as defined under ESS2. However, efforts will be made to hire qualified labor from the surrounding communities and localities during the implementation of rehabilitation works, where possible. No work camps will be established as part of this project.

The following activities under Components 1, 3 and 4 of the HISWACA Project will require labor use:

Table 1: Project Activities Requiring Labor use

Component	Sub-Activities Requiring Labor use	Type of Labor
Component 1: Harmonization and Production of Core statistics Using Harmonized Methodologies	Sub-component 1.2. Support demographic and socio-economic statistics	Enumerators Field Supervisors Data Entry Clerks
	Sub-component 1.3. Support Real and Fiscal Sector Statistical Production	Data Analysts
	Subcomponent 1.4. Support agricultural and fishery statistics	Technical specialists/consultants
Component 3: Support Physical Infrastructure Modernization	Subcomponent 3.1: support to build and rehabilitate physical infrastructure for NSOs and statistical schools	Contractors, Construction workers/laborers, Primary suppliers
Component 4: Project Management, Monitoring, and Evaluation	Subcomponent 4.2: Project Results and User Satisfaction Monitoring	Enumerators Field Supervisors Data Entry Clerks Data Analysts

		Technical specialists/consultants
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### 3.2 Number of Project Workers

**Direct workers:** The Gambia Bureau of Statistics (GBoS) will be the implementing agency of the project through a PIU that will be established within GBoS and charged with the responsibility of implementing the activities of the project. The PIU will hire a Project Coordinator, Financial Management Specialist, Procurement Specialist, GBV Specialist, an Environmental and Social specialist among others. Direct workers may also include persons employed or engaged by the project implementation unit to carry out design and supervision, monitoring and evaluation, or community engagement in relation to the project. Total number of direct workers may be between 10 and 20.

**Contracted workers:** The precise number of project workers to be contracted is not known as of now but is estimated to be about 8,000. The information will become available when implementation begins as it will include all workers under contractor(s) hired for the rehabilitation activities at GBoS as well as field enumerators, supervisors, data analysts and data entry clerks to be engaged during the censuses and surveys. Consultants and contractors who will provide technical services as may be required from time to time are also included.

### 3.3 Characteristics of Project workers

The Project will recruit and manage project personnel in full compliance with the respective Acts, Regulations and Guidelines of The Gambia; as well as the World Bank’s Environmental and Social Standard on Labor and Working Conditions (ESS2). The anticipated characteristics of workers for the Project can be categorized into the following two levels of expertise:

- Skilled labor – technical personnel with advanced specialist training e.g., consulting professionals, project administrators, construction labor requiring skilled labor, etc.
- Semi-skilled labor – ancillary staff with relevant vocational training e.g., construction laborers, enumerators, drivers etc.

The Project will ensure that national workers are given priority in terms of employment. To ensure priority for employment is given to Gambian workers, the PIU will ensure the following conditions are adhered to:

- i. Advertisements for vacant positions to be filled at the national scale shall be done on national platforms such as Airtime during Radio Programs, daily newspapers and respective Ministry websites.
- ii. Gambians shall be considered for employment where required skills are locally available.
- iii. Semi-skilled labor shall be reserved for Gambians e.g., enumerators, construction workers, drivers, equipment technicians, etc.

International workers will be employed where skills are not available among nationals. Members of vulnerable groups (including women, and persons with disabilities, and persons from other

disadvantaged/marginalized groups) will be given priority where possible. PIU will ensure that employment/engagement of anyone under 18 years of age in relation to the project as a direct hire or as a worker engaged/employed through contractors/subcontractors or primary suppliers is prohibited.

### **3.4 Timing of Labor Requirements**

The direct workers at the PIU will be working full-time for the project duration. The contracted workers for the census, surveys and rehabilitation activities will be required during implementation of the Project and only for a short duration (21 days for each census and survey activity; 180 days for the rehabilitation works). The contracted workers to deliver sensitization and public awareness-raising programs will be required during different times in the project cycle as per the Stakeholder Engagement Plan (SEP) and will be employed for the duration of the project but they will not be working full time.

### **3.5 Consultants/Contracted Workers**

Consultants will be engaged by the Project to undertake different types of short period assignments including providing additional capacity as required including provision of technical assessments or studies. For the purposes of ESS2, the short-term consultants will be categorized as direct workers and engaged directly by the PIU for data collection and analyses etc. The consultants will be guided by specific contractual agreements between them and the PIU following the Gambia national labor legislations and regulations. In addition, a contractor will be hired for the rehabilitation activities. The main activity that shall be undertaken by the contracted workers (about 50) is the rehabilitation of the GBoS office complex and the national census and surveys under Component 3. The terms and conditions of these contracts will adhere to the national labor legislations and regulations of The Gambia and be guided by the provisions of ESS2 in relation to contracted workers. It should also be consistent with the contractor management procedures.

### **3.6 Migrant Workers**

The project envisages using migrant workers. The PIU will ensure that the Project gives priority to local/national workers based on the local content laws and principles. However, if there is the need to recruit migrant workers, the PIU will ensure it is done in line with the provisions of ESS2 and national laws.

### **3.7 Technical Advisors/Government Workers**

It is anticipated that civil servants working for the government will be required to work for the Project from time to time, whether full time or part time, mainly on the areas of generating statistics or coordinating the process of data generation and harmonization. Such government staff will work under the terms and conditions of their existing public sector employment subject to the work engagement agreement with the PIU.

## 4 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

### 4.1 Project Activities

For the Gambia, the Project will be country-wide and the proposed activities are as follows;

- Population and Housing Census
- Integrated Household Surveys
- Enterprise Census and Surveys
- Agricultural Census and Surveys
- Data user satisfaction surveys
- Rehabilitation of the GBoS Office Complex with the inclusion of an extra floor to make it a 3-storey building.

### 4.2 Key Labor Risks

The project anticipates moderate to substantial level of labor risks to be associated with the project activities. Direct workers and contracted workers involved in field-based work will experience low to medium level of labor risks since most of the field-based work will be for a limited number of days (21) each time. Depending on the nature and scale of the rehabilitation activities under component 2, use of labor force could range from small to average number (30-50). The following sections discuss the various labor risks project activities could engender.

#### 1. Gender-Based Violence and Sexual Exploitation and Abuse or Harassment

Gender Based Violence (GBV) including Sexual Exploitation and Abuse as well as Sexual Harassment (SEA/SH) occurs in The Gambia as part of wider context of discrimination and marginalization of females in the wider socio-economic life. The drivers of this phenomenon in The Gambia are deep-seated socio-cultural norms, lower employment opportunities and educational attainment of women and girls, and multidimensional poverty, among others. These factors, coupled with inadequate reporting procedures, culture of silence and acceptance of GBV because of the cultural norms and the rooted patriarchal system can adversely affect case reporting and management, especially, cases involving rape, sexual harassment, sexual exploitation, and intimate partner violence.

Gender disparities in The Gambia are still significant, and the resulting constraints in education, health, income, and legal rights prevent women from participating effectively in national development. This is partly because Gambian society is still very much patriarchal, and women are perceived primarily as wives and mothers whereas men are seen as the main breadwinners. In their assigned role as the main caregivers within the home, women are particularly disadvantaged in the labor market because of the need to combine paid jobs with unpaid work such as childcare and household chores. This leaves them with fewer employment choices.

To address these challenges and reduce gender disparity, the Government formulated policies and legislations to increase opportunities for women and prevent violence against women. The policies include "Gender and Women Empowerment Policy 2010-2020" which has the "overall goal...to

mainstream gender in all national and sectoral policies, programs, plans and budgets to achieve gender, equity, equality and women empowerment in the development process.” Specific legislation to address these conditions include the Women’s Act, 2010, which seeks to eliminate all forms of discrimination against women and the Women’s Amendment Act 2015, which specifically prohibits FGM, a provision absent in the 2010 Act. There is also the Sexual Offences Act, 2013, which criminalizes sexual offences against all persons, especially vulnerable groups, including women, children and individuals who have mental and physical disabilities. However, while there have been some legislative gains, this still has not translated into significant outcomes to close gender gaps in a number of spheres.

HISWACA- SOP1 activities include National census, Demographic Health Survey/Multiple Indicator Cluster Survey (DHS/MICS), labor, business, and household surveys (subcomponent 1.2); enterprise census and surveys (subcomponent 1.3); Agricultural census and Surveys (subcomponent 1.4) and; implementation of user satisfaction surveys (subcomponent 4.2). In addition, the project involves rehabilitating the GBoS Office Complex with provision of needed office furniture and equipment for the entire statistical cycle from production through to dissemination (subcomponent 3.1). Implementing these project activities and sub projects present GBV risks for all those involved in the above activities. SEA/SH risks are moderate.

Cases of sexual exploitation within worksites, offices and during data collection may present itself in the project activities. Women who seek employment in all employment categories may also face sexual harassment including demands for sexual favors before being employed and during the period of their employment in relation to the project. Male workers may also face sexual harassment. While the rehabilitation activities under component 3 will not involve labor influx, but it could potentially increase the risk of GBV and SEA/SH in project affected communities particularly towards the most vulnerable women and girls, as the laborers could still face incidents of SEA/SH and demands for sexual favors. It is anticipated that men will probably constitute most of the data enumerators, data analysts, semi-skilled and skilled labor force for this project. The long stays and travel away from their families for data collection could increase project workers’ propensity to fraternize with women and young girls, hence increasing sexual exploitation, abuse and harassment. Additionally, because of economic destitution, underage girls and women might end up engaging in sexual relations against their will with project workers involved in data collection. Therefore, the project will need to take concrete measures to avoid, minimize, and mitigate these risks and their impacts. Proposed mitigation measures are included in the umbrella-Environmental and Social Management Framework (U-ESMF) and the Environmental and Social Management Plan (ESMP) as part of the SEA/SH Prevention and Response Action Plan.

**To address SEA/SH risks, the GBoS PIU will put in place:**

- ESMP for rehabilitation/upgrading will include mitigation measures for SEA/SH
- Project contractor shall be required to strictly implement the SEA/SH-related measures and accountability framework spelt out in ESMP.
- Project contractor shall ensure adequate costing and funding for the implementation of SEA/SH - related measures.
- A transparent, participatory, accessible, and tiered grievance system will be established in the Gambia Bureau of Statistics PIU. It shall consist of clearly structured and well-advertised uptake points for reporting cases of SEA/SH including referral to the nearest GBV Service Providers, offering at minimum medical, psychosocial, and legal assistance to site workers and community members.

- Contractual clauses making it mandatory for all workers and staff to attend SEA/SH sensitization seminars, cooperate with investigative agencies, and comply with laws on non-discrimination and GBV/SEA/SH will be inserted in Works Contracts.
- Mandatory induction/orientation for the contractor and workers before commencements of work
- Continuous monitoring and supervision for alignment with the World Bank’s Environmental and Social Standards (ESS)
- Work closely with relevant National institutions such as the Ministry of Gender, Children and Social Welfare, Ministry of Health (One Stop Centers) to play an oversight role on issues related to SEA/SH on the project.
- Employees of Project Consultants, Contractor and subcontractors will be made to sign a Code of Conduct (CoC) (see Annex 1).

## **2. Child Labor**

Even though child labor is not expected to occur in the recruitment of direct workers and consultants, there is a risk of its occurrence among workers of the contractor during rehabilitation activities. The probability of child labor in data collection and analysis is low but cannot be entirely ruled out. Generally, the PIU will ensure that persons under 18 years of age are not engaged by the project. The GBoS PIU will work closely with contractor to also ensure certification of laborers’ age to be a minimum of 18 years at the time of recruitment for work for the project, and removal of all persons under the age of 18 years (using National Identification Card, Birth Certificate or affidavit of birth) from employment in relation to the project. The project will require the contractor, subcontractors and primary suppliers of equipment and machinery for data processing, where appropriate, to present/develop child labor policies for approval by the PIU.

The PIU is responsible for developing and ensuring that the project contractor and primary suppliers implement a “No child labor” policy; sensitize each worker in a language that is understandable on child protection CoC and shall abide by this code. The PIU will require that the contractor cooperate and collaborate actively with relevant child protection authorities to ensure that child protection issues and any breach are expeditiously investigated as guided by the relevant national laws.

If a person under the minimum age of 18 years is discovered working in relation to the project, the PIU project will take measures to terminate the employment or engagement of that person in a responsible manner, considering the best interest of that person.

To ensure that the best interests of the child under 18 years are considered, the PIU will undertake, and ensure that the contractor, sub-contractors and primary suppliers also undertake, remediation within a reasonable time period agreeable to the World Bank. The remediation activities could include, among other options:

- enrolling the child in a vocational training/apprenticeship program, but which does not interfere with the child’s completion of compulsory school attendance under national law.
- employment of a member of the child’s family, who is at least 18 years of age, by the primary supplier, contractor or subcontractor for project-related or other work.

## **3. Forced labor, including trafficking in persons for labor**

The risk of forced employment of laborers, especially of local laborers, including community workers, is a potential project risk that may be experienced during the rehabilitation activities. Forced labor, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty, will not be used in connection with the Project. This covers any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor-contracting arrangements. Trafficking in persons is defined as the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability. In particular, women and children are vulnerable to trafficking practices.

The PIU will be responsible for ensuring that no forced labor, including the use of labor resulting from the trafficking of persons, whether in relation to direct project workers or workers engaged through the contractor, sub-contractors or primary suppliers, will be employed/engaged in connection with the project. Hence, the PIU will work closely with contractors to keep and maintain records of the recruitment circumstances as well as the written employment contracts of all project workers, including direct hires, as well as persons engaged through the contractor, subcontractors and primary suppliers. There shall also be periodic inspections by the PIU and the World Bank through Implementation Support Missions, at least once every six months, of contractor, subcontractor and primary supplier employment records to verify consistency and compliance with the law in relation to recruitment of workers and provision to all workers of a written signed employment contract.

If forced labor or persons who are engaged in the project as a result of trafficking are identified, the PIU will act promptly to address the issue, including referring the matter without delay to the relevant government authorities as well as relevant government or NGO trafficking victims'/forced labor victims' support services, as appropriate, to be addressed in accordance with the national laws. Also, to address the risk of forced labor or persons trafficked to work for primary suppliers, the PIU will undertake due diligence to identify possible suppliers and the extent to which these risks might be present in their activities for the project.

Where forced labor is identified in relation to a primary supplier, the PIU shall work closely with the primary supplier to report the situation to the police and other relevant government authorities. Depending on the circumstances, the PIU will discontinue use of that primary supplier and instead use primary suppliers that can demonstrate they are meeting the relevant requirements of the national laws relating to forced labor and the trafficking of persons. The risk of forced labor will be mitigated through raising awareness, carrying out due diligence and enforcing a strict code of conduct in the project-affected area. This code of conduct will be signed by the contractor and those supplying labor materials. The PIU will be responsible for putting in place measures for monitoring on a regular basis, that the voluntary consent of the worker exists throughout the entire duration of the person's employment/engagement in relation to the Project. The Project will ensure that workers have the right to freely revoke consent at any time. In particular, all information pertaining to the terms of service will be furnished to the worker and interpreted for them for their understanding in the language they understand best. The PIU will be responsible for carrying out due diligence and assessing the recruitment processes used by contractors in relation to all workers performing community labor in relation to the Project to ensure that community workers are providing work in a manner that is free and voluntary in conformance with ESS2 and the applicable national laws.

The PIU will ensure that the contractor, subcontractors and contracted firms will implement Hiring Procedures clearly indicating: (i) location of recruitment of workers where the project is to be

implemented; (ii) guidelines to ensure that most of the workers are recruited within the project host community; and (iii) codes of conduct for relevant agencies' personnel.

#### **4. Lack of employer compliance with national labor laws**

Likelihood of non-compliance of labor laws by the employer may arise from labor wages/rates and delays of payment; disagreement over working conditions (particularly overtime payments and adequate rest breaks); provision of personal protective devices (PPEs); limited employment opportunities; and health and safety concerns in the work environment including during data collection. Further, there is a risk that employers may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, or any grievances raised, and such situations could lead to labor unrest and stoppage of work.

The Project will be implemented by total adherence to the employment and labor legislations and policies of The Gambia as outlined in this LMP. The GM prepared for this Project will also provide a platform for reporting and handling worker grievances to ensure that the PIU and contractors comply to the employment and labor laws.

To address the risks of employer non-compliance with national labor laws, the PIU together with the project contractor and implementing partners shall:

- Provide all project workers with information and documentation that is clear and understandable to the worker regarding their terms and conditions of employment. This information and documentation will set out the worker's rights under national labor and employment laws, including Rights related to hours of work, wages, overtime, compensation, and benefits, as well as any related provisions required under ESS2.
- Pay project workers on a regular basis as required under national law or specified in the terms of engagement.
- Ensure that deductions from payment of wages are made only as allowed by national law.
- Provide workers with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law.
- Provide project workers with written notice of termination of employment and details of severance payments in a timely manner.
- Ensure full implementation of the national employment laws of The Gambia in relation to recruitment and employment of project workers.

The PIU will be responsible for ensuring that the contractor, subcontractors and primary suppliers comply with all the above requirements.

#### **5. Discrimination against women, ethnic minorities, persons with disabilities, and sexual and gender minorities in recruitment and employment**

The potential areas of discrimination include inappropriate treatment or harassment of project workers related, for example, to gender, age, disability, sexual and gender minorities, ethnicity, or religion. Other indicators of discrimination include potential exclusion or preferences with respect to recruitment, hiring, termination of employment, working conditions, or terms of employment made on the basis of personal characteristics unrelated to inherent work requirements; in training and development provision.



In this project no discrimination will be acceptable as per The Gambia employment and labor laws and policies and in accordance with the U-LMPF, and ESS2, which support equal opportunities for women and men, and persons with disabilities, with emphasis on equal criteria for selection, remuneration, and promotion, and equal application of those criteria. The Project shall also endeavor to promote the recruitment of women so as to reduce the chance for discrimination based on gender. Measures to prevent harassment of project workers, including sexual harassment, in the workplace are addressed in the SEA/SH Prevention and Response Action Plan that is included in the ESMP.

The project shall pursue inclusive and non-discriminatory recruitment and employment policies and procedures in relation to all project workers. The PIU shall ensure that there will be no discrimination in the recruitment or employment relating to project workers based on any personal characteristics unrelated to inherent work requirements. Such personal characteristics include, but are not limited to, gender, age, race, color, disability (including albinism), marital status, pregnancy or maternity status, social origin, language, gender identification, religion, real or perceived HIV/AIDS status, and ethnic origin. The non-discrimination policy will be applied and adhered to by the project contractor and subcontractors, as well as primary suppliers, and monitored by the PIU.

#### **6. Labor influx into local communities**

Although there may be movement of people in search for employment, this is expected to be minimal due to the nature and scale of the rehabilitation works. Where the required skill is not available locally, recruitment of workers will be done by the contractor from his workforce to reduce the risks of labor influx.

The Contractor or contracted firms will be required to have in place Hiring Procedures clearly indicating: (i) how advertisement of vacancies will be done; (ii) location of recruitment of workers within the administrative area of GBoS; (iii) guidelines to ensure that most of the workers are recruited within the project host community; (iv) codes of conduct for the human resources personnel; and (v) mitigation measures to manage labor attracted by the project.

No labor influx is expected in this project for component 3 activities. While data enumerators will travel to different parts of the country, they are not expected to spend much time in any one location. They will mostly be moving from one location to the other and maximum stay in a particular place is expected to be not more than 2-3 days. To the extent possible, data enumerators will be hired from local areas and female enumerators will be included in the teams.

#### **7. Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome (HIV/AIDS)**

There exists the risk of spread of HIV/AIDS due to social interactions among project workers and between project workers and the community from where data is being collected. Risky sexual behavior and engagement in illicit sex by both genders is real project risk. To counter the risk of spreading HIV/AIDS, the PIU will develop, before project implementation begins, a HIV/AIDS strategy or policy consistent with ESS2 and ESS4 that shall spell out sensitization and awareness creation strategies for the contractor and other employees. The PIU will be responsible for conducting regular HIV/AIDS awareness trainings/consultations with project-affected local communities (nationwide) and with all project workers,

including workers engaged/employed through the contractor/sub-contractors and primary suppliers, and community workers.

### **8. Corona Virus Disease 2019 (COVID-19)**

The COVID-19 pandemic is still not over and requires to be closely monitored and managed to avoid its spread among project workers. Human interaction will take place during executing field activities including meetings and rehabilitation works.

To address the risk of spread of COVID-19, the PIU will be responsible for ensuring that the Project undertakes concrete mitigation including the provision of the required PPEs and vaccination driver for all project workers who have not yet taken the COVID-19 vaccine.

### **9. Occupational Health and Safety (OHS) risks**

Risks associated with OHS as stipulated in ESS2 are aimed at protecting project workers from injury, illness, or impacts associated with exposure to hazards encountered in the workplace or while working. The OHS measures considers the General Environmental Health and Safety Guidelines (EHSGs) and other Good International Industry Practice (GIIP). The rehabilitation or refurbishment activities under component 3 is expected to require some construction and related physical works that will likely result in OHS risks and hazards. These works pose OHS hazards that may result in accidents or injuries including burns, cuts, slips and falls resulting from poor housekeeping and signage on site, installation and operation of equipment. Other causes of work-related accidents are failure to adhere to equipment manufacturers’ specifications and the use of Personal Protective Equipment (PPEs). The mitigation measures for the identified risks have been incorporated into the Project’s ESMP and will be also included in the Contractor’s ESMP.

Those working in the field for data collection such as enumerators, supervisors, drivers and others could be exposed to risks related to traffic or other accidents, security threats such a kidnapping, assault, physical hazards, illnesses. Travel related risk will be mitigated by implementing guidelines on driving specifying speed, conditions of vehicles, first aid box in vehicles, protocols for safety checks on vehicles, driver training, etc. Safety and security of workers will be mitigated by conducting security assessment by the PIU.

Table 2 below presents the mitigation measures that PIU should undertake for addressing potential risks:

<b>Potential Risks</b>	<b>Type of Worker likely to be affected</b>	<b>Magnitude of Risks</b>	<b>Mitigation Measure</b>
Risk of Gender-based Violence and Sexual Exploitation and Abuse or Harassment	Project workers (skilled, semi-skilled and manual workers)	Moderate	<ul style="list-style-type: none"> <li>• ESMP for rehabilitation/upgrading includes mitigation measures for SEA/SH;</li> <li>• SEA/SH-related measures and accountability framework is spelt out in the ESMP in a form of SEA/SH prevention and response action plan;</li> <li>• Operationalize a transparent, participatory, accessible, and tiered grievance system;</li> </ul>

Potential Risks	Type of Worker likely to be affected	Magnitude of Risks	Mitigation Measure
			<ul style="list-style-type: none"> <li>Contractual Clauses making it mandatory for site workers to attend GBV/SEA/SH sensitization seminars,</li> <li>Mandatory induction/orientation for all contractors and workers before commencement of work;</li> <li>Continuous monitoring and supervision of the World Bank's ESS's (especially ESS4 and the Good Practice Note on Addressing SEA/SH in Civil Works);</li> <li>Work closely with relevant National institutions such as Ministries, Departments and Agencies to play an oversight role on issues related to GBV and SEA/SH on the project;</li> <li>Employees of Project Consultants, the Contractor and subcontractors will be made to sign a Code of Conduct (CoC)-see Sample attached as Annex 1.</li> <li>Fully operational grievance management with safe and accessible channels to report SEA/SH complaints with referral to local GBV service providers and procedures for administrative management of complaint that are survivors centered and in line with the Good Practice Note on Addressing SEA/SH in Civil Works.</li> </ul>
Risk of Child Labor	Contractor and sub-contractors	Low	The PIU will require each contractor to develop and implement a "No child labor" policy, which will be acceptable to the PIU in relation to The Gambia.
Risk of spreading HIV/AIDS, STI/STDs, and other communicable diseases	Project workers (Skilled, semiskilled and manual workers)	Low	The PIU shall ensure regular HIV/AIDS awareness trainings for all project workers and host communities. Distribute condoms and other BCC materials on sites.
Forced labor, including trafficking in persons for labor	Project workers (semi-skilled and manual workers)	Low	The Contractor will conduct awareness raising activities to sensitize the community on prohibition and negative impacts of forced labor and trafficking in persons for labor prior to recruitment and throughout the contract.

Potential Risks	Type of Worker likely to be affected	Magnitude of Risks	Mitigation Measure
Lack of employer compliance with national labor laws	Project workers (skilled, semiskilled and manual workers)	Moderate	<ul style="list-style-type: none"> <li>• The PIU will ensure that the Project is implemented by total adherence to the employment and labor legislations and policies of the Gambia.</li> <li>• The PIU and contractor will ensure the GM is prepared for this Project as a platform for reporting and handling grievances to ensure compliance to employment and labor laws.</li> <li>• The PIU will provide all project workers with information and documentation that is clear and understandable to the worker regarding their terms and conditions of employment. This information and documentation will set out the worker's rights under national labor and employment laws.</li> <li>• The PIU will ensure that the contractor provide workers with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law.</li> <li>• The PIU will maintain, and ensure that the contractor, sub-contractors and primary suppliers maintain records of all worker contracts and related documentation and confirm that the above provisions are being adhered to.</li> </ul>
Security of field enumerators	Field enumerators	Moderate	<ul style="list-style-type: none"> <li>• The PIU shall provide security training for all project workers.</li> <li>• Provide PPEs to project workers</li> <li>• Travel related risk: Guidelines on driving specifying speed, conditions of vehicles, first aid box in vehicles, protocols for safety checks on vehicles, driver training, etc.</li> <li>• Safety and security of workers: security assessment will be carried out by PIU.</li> </ul>

## 5 OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS AND OCCUPATIONAL HEALTH AND SAFETY (OHS)

### 5.1 Terms and Conditions

The national 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 topics 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.

There are no specific provisions in the Labor Act or the Women's Act against sexual harassment or violence/abuse in the workplace. However, general provisions are included for any form of sexual conduct in the Sexual Offences Act, 2013.

- **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

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. 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.

## 5.2 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:

- No person shall be held in slavery or servitude
- No person shall be required to perform forced labor

Regarding child labor, Art 29.2 of the Constitution states that; “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.

## 5.3 World Bank Environmental and Social Framework

The World Bank ESF seeks to support borrowers to develop and implement environmentally and socially sustainable projects as well as build capacity in the assessment and management of environmental and social impacts and risks associated with the implementation and operation of projects. The ESF contains environmental and social standards that borrowers must apply to all projects for the projects to be sustainable, non-discriminatory, transparent, participatory, environmentally and socially accountable as

well as conform to good international practices (as per the U-ESMF).<sup>1</sup> The applicable standards related to labor are included below (ESS2, 4 and 10) in Table 3.

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<sup>1</sup> The six (6) applicable Environmental and Social Standards (ESS) are: ESS1, Assessment and Management of Environmental and Social Risks and Impacts; ESS2, Labor and Working Conditions; ESS3, Resource Efficiency and Pollution Prevention and Management; ESS4, Community Health and Safety; ESS8: Cultural Heritage; ESS 10, Stakeholder Engagement and Information Disclosure.

Table 2: Relevant World Bank Environmental and Social Standards on Labor and Working Conditions: HISWACA-SOP

ESS	Key Requirements	Status	Remarks/Comments
<b>Environmental and Social Standard 2 (ESS2): Labor and Working Conditions</b>	<p>It is to ensure a safe, healthy and conducive working environment for workers and ensure that the environment is free of forced and child labor as well as other forms of intimidation, discrimination and harassment. ESS2 also ensures that workers have channels for grievance redress, freedom of association and access to collective bargaining rights as prescribed by national law. The standard also seeks to protect vulnerable workers. The Labor and Working Conditions requirements cover to direct, indirect, community and contracted workers as well as primary supply workers on Bank -financed projects.</p>	<p>Relevant</p>	<ul style="list-style-type: none"> <li>• The project will employ workers, including enumerators, field supervisors, data entry clerks and site workers who need to provide their services in a safe environment devoid of discrimination, SEA/SH, intimidation, child and forced labor as defined by in-country laws.</li> <li>• Project workers need to be informed about SEA/SH risks and sign code of conduct detailing unacceptable behaviors (including SEA/SH) and sanctions for misconduct.</li> <li>• Project workers need to have access to a participatory, transparent, time-bound grievance mechanism, including procedures to receive and handle SEA/SH complaints, established for the purpose of HISWACA-SOP1</li> <li>• Project workers need to be informed about their rights and encouraged to form worker unions/association within the remit of their respective in-country laws. Their Freedom of Association should be guaranteed by the project/their employers.</li> <li>• The Project shall prepare a Labor Management Procedure in accordance with the applicable requirements of ESS2, in a manner acceptable to the Bank and establish, maintain, and operate a grievance mechanism for Project workers, as described in the LMP and consistent with ESS2.</li> <li>• Prepare, adopt, and implement occupational, health and safety (OHS) measures, including emergency preparedness and response measure specified in the site-specific ESMPs and ESMF</li> </ul>
<b>Environmental and Social Standard 4 (ESS4): Community Health and Safety</b>	<p>Environmental and Social Standard 4 (ESS4) is titled “Community Health and Safety”. The objective of this standard is to anticipate, avoid and/or mitigate adverse project impacts on beneficiary communities as well as safeguard project-affected communities from traffic and road safety risks, diseases and hazardous materials as well as SEA/SH risks associated with project implementation and operation. ESS4 enjoins Borrowers to establish contingency measures for emergencies, security, traffic management, road safety, the protection of eco-systems</p>	<p>Relevant</p>	<ul style="list-style-type: none"> <li>• Issues of traffic and road safety may arise during civil works, organization of census, and or surveys. Persons or groups on account of physical disability, displacements due to internal conflicts or extreme weather events, their geographical location and/or their livelihood patterns may be excluded from project activities e.g., their data will not be collected, analyzed and/or presented during national census and other surveys, just as their confidential information may find itself in the public domain.</li> <li>• Security concerns in some beneficiary countries may hamper fieldwork and other project activities. Broad guidelines for</li> </ul>



ESS	Key Requirements	Status	Remarks/Comments
	<p>and protection from SEA/SH. The standard also requires the design of infrastructure to meet GIIP. ESS4 also talks about requirements for dam safety.</p>		<p>security assessment have been outlined in this U-ESMF for member states to prepare their own security risk assessment reports ahead of relevant project activities</p> <ul style="list-style-type: none"> <li>The Project will mitigate risks of SEA/SH by ensuring that: (i) all project related staff and workers (including surveys enumerators) sign code of conduct with clear prohibition and sanctions against SEA/SH after receiving training on SEA/SH; (ii) each project develops SEA/SH specific procedures within its grievance mechanism with multiple channels to submit complaints, confirmed as safe and accessible during consultations with women, and with procedures allowing for complaint verification and management following a survivor centered approach; (iii) each grievance mechanism includes response protocol with referrals to local GBV service providers (identified through mapping of GBV service providers) offering medical, psychosocial and/or legal assistance; (iv) information campaigns on SEA/SH risks, content of code of conduct and ways to submit complaints will be organized by each project in the areas of its implementation. In addition, the country projects with moderate (Benin, Gambia, Guinea, Guinea-Bissau and Senegal) and substantial (Mali, Mauritania and Niger) SEA/SH risk levels will develop a budgeted SEA/SH prevention and response Action Plan as part of the ESMF/P and hire GBV Consultants to support preparation and implementation of the SEA/SH measures within that Action Plan.</li> </ul>
<p><b>Environmental and Social Standard 10 (ESS10): Stakeholder Engagement and Information Disclosure</b></p>	<p>ESS10 establishes a systematic approach to stakeholder engagement while ensuring that appropriate information on project risks and impacts is provided to stakeholders in a timely, comprehensive, accessible, and appropriate manner. The standard also ensures inclusive and effective engagement of project-affected parties throughout the project cycle and provides avenues for assessing stakeholder interest and incorporating their views into project design and monitoring of projects. As part of meeting the requirements of ESS 10, borrowers are to undertake meaningful consultation and</p>	<p>Relevant</p>	<p>The project needs to identify relevant stakeholders and potential barriers for effective consultation/stakeholders including marginalized and vulnerable groups such as Persons Living with Disability should be identified together with how they can influence the project outcomes and project impact socio-economic and their interests. These stakeholders need to be consulted early and regularly throughout the project life cycle for their views and inputs on the proposed project interventions in a systematic manner.</p> <p>Transparent and accessible channels need to be provided under the project to receive grievances of project-affected persons, including vulnerable persons identified. The grievances must be investigated</p>

ESS	Key Requirements	Status	Remarks/Comments
	<p>engagement of stakeholders throughout the project life cycle, including specifically with women. They are also expected to disclose relevant project information and safeguards reports, notably Stakeholder Engagement Plans, as part of fulfilling the requirement of this standard. ESS10 also requires borrowers to set up grievance mechanisms that are transparent, culturally appropriate, objective, discrete, accessible as well as sensitive and responsive to the needs of aggrieved persons and with procedures to receive and manage SEA/SH related complaints.</p>		<p>and resolved, and feedback provided in a participatory, transparent, and timeous manner.  A SEF, including a grievance framework, has been prepared and disclosed by each participating Beneficiary. The SEF shall guide the preparation of stand-alone SEPs by each participating country and regional body. The country specific SEPs, inclusive of grievance mechanisms, shall be implemented throughout the project implementation once approved by the Bank and disclosed.</p>

## 6 POLICIES AND PROCEDURES FOR LABOR IMPACT MANAGEMENT

### 6.1 Terms and Conditions of Employment

There are five types of workers who will be engaged in this project (i) *Direct workers* from the PIU who have contracts that are governed by national legislation; (ii) *contracted workers*; (iii) *short-term consultants*; (iv) *migrant workers*; and (v) *government civil servants*. All workers in the project shall be engaged through negotiated contracts with generally accepted standards and terms and conditions of services applicable to the nature of project activities. Payment for work done will be made on determined mode, periodically (hourly, daily, weekly, monthly) or after completing the assigned work.

The PIU shall ensure that:

- Workers work for 8 hours a day from 8:00 to 17:00 with a one-hour break, six days a week
- The Conditions of Service and collective bargaining agreements for construction and related workers including artisans, watchmen and waste handlers are in line with the provisions under the national labor laws and relevant regulatory requirements.
- Wages negotiated every three years as stipulated in the Acts of the Gambia.
- Contractor and Sub-Contractors provide, and sign written employment contracts for all workers upon hiring.
- All contracts are vetted and approved by the Ministry of Trade, Industry, Regional Integration and Employment and Ministry of Finance and Economic Affairs.
- The Contractor should inform hired workers of all employment related information and ensure that the workers understand the rights and obligations of both parties under the contract.
- Workers know the standards of conduct expected of them. A written policy manual (Code of Conduct) specifying the rules and procedures will be issued and made readily available to all workers as part of the labor contract. The Code of Conduct will be explained to workers who are not literate in English in a Language they understand.
- Employees of the Contractor, Subcontractors, Consultants and Primary Suppliers (skilled and unskilled or casual labor) are paid living wages which are not below the current minimum wage.

### 6.2 Age of Employment

The Gambian law prohibits anyone under 18 from performing “unhealthy or heavy or unsafe” labor; however, children of 16 years of age can be employed in light work.<sup>(2)</sup> This is also consistent with ESS2, whereby the minimum age for employment or engagement in connection with the project is the age of 14 unless national law specifies a higher age. The PIU’s standard for minimum age of employment/ work is 18 years, and it will be among the terms of contracts regarding child labor. The Project will therefore target participation of both men and women who are at least the minimum age of 18 at the time of recruitment. During the Project implementation, various tools will be used to verify age of workers with respect to the national laws. Such tools include among others Birth certificates, National Identity Cards or

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<sup>2</sup> Light 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)

travel Passports, which will be filled in each employee's records. In the circumstances where these documents are not available the Affidavit of Birth will be used. The consequence of breaching the PIU's standard on child labor may result into termination of the contract.

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. In this case, the following procedures will be applied:

- Conduct routine document check process without raising alarm.
- Review documents detailing the age of the child and verify that they are genuine.
- Remove the child from all work immediately if checks on the document confirm the child is underage.
- If the documentary evidence is inconclusive, checking the age of the child may entail communication or meeting with parents and guardians of children, contacting local labor authorities to validate identification, and conduct medical check-ups to assess age.
- Search for and obtain contact details particularly mobile phone number of child's parents or guardian. Where possible, obtain the home address of the child too.
- Talk to the child about the risks and hazards of child labor and ensure that the child understands what is happening and why.
- Arrange for a meeting with the contractor/consultant and site supervisor. Communicate the policies and basic positions regarding child labor with the official met.
- Contact the parents/guardians to ensure that they understand and agree with what is happening and explain the risks and hazards of child labor.
- Identify whether there are any other child workers by reviewing all the personnel records at the workplace.
- To ensure that no new child worker is hired, give advice to the contractor or consultant on improving age verification systems.

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

- The contractor must provide safe and healthy working facilities and take appropriate precautionary measures to protect workers from anticipated dangers in the workplace.
- They must also have a pre-established action plan designed to respond effectively to workplace accidents and health hazards if all precautions fail.
- The contractor must consult employees and their representatives on health and safety matters in the workplace. Employees must be given adequate information regarding health and safety matters and asked to contribute their input on such issues as the alteration of workplace processes, occupational safety, and the organization of work.
- No employee must be punished for removing him/herself from a working environment that he or she reasonably perceives to be dangerous or harmful.
- Employees of GBoS, the Contractor and Subcontractors as well as Project Consultants shall be provided with regular SEA/SH and health and safety orientation/training and shall be required to sign a code of conduct prior to start of employment.
- OHS training/orientation will be provided prior to beginning a new assignment. All workers will be required to avail themselves for OHS training and subsequent toolbox meetings.
- The contractor/employers/ GBoS must also ensure that workers are fully updated and capable of carrying out their work tasks safely.

- Workers must be provided with the appropriate Personal Protective Equipment (PPEs) which must always be worn on site as well as during performing any task. This applies to enumerators too.
- A **Protocol on traffic safety** including, the verification of driver's license, the use of helmets when riding motorcycles, the use of seatbelt when driving a car, vehicle maintenance and speed limit will be developed and implemented. All vehicle/motorcycle drivers will be trained on the content of this protocol.
- GBoS, the contractor and Suppliers shall ensure that regulations on the use of PPEs are enforced on site and within the work premises.
- Workers must be provided with facilities such as a canteen, toilets, first aid kits, potable water, hygiene and WASH facilities including washing points (clean running water, soap and tissue paper) on site and within the work environment. Toilets shall be separate for women and men, and able to be locked from the inside.
- The Contractor and Subcontractors will be required to maintain proper housekeeping on site.
- The Contractor and Subcontractors shall be required to designate qualified management personnel to handle environmental, social, labor, occupational health and safety issues including grievance redress and enforce the local laws on same as well as requirements of ESS2 and ESS4, ESMP, this LMP and other sub project safeguards instruments on site.

#### 6.4 Contractor Management

The contractor engaged by the Project to provide services will be expected to adopt the protective measures outlined in this document. The contract drawn by the PIU will include provisions, measures and procedures to be put in place by the contractor to manage and monitor the relevant OHS, child labor, forced labor, and other employment terms and conditions issues. Measures required of the Contractor will among others include the following:

- As part of the bidding/tendering process, specific requirements for the contractor, and specific selection criteria (e.g., technical suitability, certifications, previous experience etc.).
- Provision of medical insurance covering treatment injuries during work or training activities to all workers including survey workers.
- Specific procedures relating to the workplace and the conduct of the work (e.g., creating at least 6 feet between workers by staging/staggering work, limiting the number of workers present etc.).
- Specific procedures and measures dealing with specific risks.
- Including contractual provisions and procedures for managing and monitoring the performance of contractors.

For contract bidding and contracts for the Project, the PIU will use the World Bank's 2017 standard procurement documents, which include labor, and occupational health and safety requirements. The PIU will incorporate standard language, based on project requirements drawn from ESS2, ESS4 and other sections of the World Bank Environmental and Social Framework and supporting documentation, in the tender and contract documents to ensure potential bidders are aware of the environmental and social requirements to be met under the project.

Tender documentation should note that the contractor/subcontractor should actively collaborate and consult with project workers in promoting understanding, and methods for, implementation of OHS requirements, as well as providing information and training on occupational safety and health, and provision of personal protective equipment without expense to project workers.

Project workers who remove themselves from dangerous work situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removing themselves from such dangerous situations. The PIU will also state in the tender documentation that adherence to national legislation regarding labor and employment relations and occupational health and safety is a prerequisite for participation in the project. The PIU will also include in the tender documents provisions that forced labor, child labor, discrimination in hiring and employment based on gender, disability, ethnicity or other personal characteristics unrelated to work requirements, sexual harassment in the workplace, and sexual exploitation and abuse are prohibited and may be grounds for removal of the contractor from the Project.

The PIU will require bidders for a contract for the Project to agree to and implement a workplace Code of Conduct that includes provisions prohibiting any form of sexual exploitation, assault or harassment of Project workers, as well as sexual exploitation or sexual assault of persons in local communities affected by the project. This will include any form of sexual activity with individuals under the age of 18. The CoC will apply to all persons employed or engaged, including persons employed or engaged through the contractor or subcontractors, in relation to the project.

The PIU will require bidders for a contract for the project to submit a statement confirming their firm compliance with national labor and employment and occupational health and safety laws, and labor management procedures in accordance with Environmental and Social Standard 2 “Labor and Working Conditions” (ESS2) and the LMP for the project.

The PIU will make reasonable efforts to ensure that parties awarded a contract for the project are reliable law-abiding entities that do not have a history of problems relating to disrespect for national labor law, unresolved labor disputes, or frequent work-related accidents. As part of the selection process for the contractor, the PIU will request and review from prospective contractors the following information:

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies on OHS, child labor, forced labor, worker right of association, or other labor issues.
- Business licenses, registrations, permits, and approvals.
- Documents relating to a labor management system, including OHS records, for example, labor management procedures.
- Identification of labor management, safety, and health personnel, their qualifications, and certifications.
- Workers’ certifications/permits/training to perform required work.
- Records of safety and health violations, and responses.
- Accident and fatality records and notifications to authorities.
- Records of legally required worker benefits and proof of workers’ enrolment in the related programs.
- Worker payroll records, including hours worked and pay received.
- Identification of safety committee members and records of meetings.

During the implementation of the contract, the PIU will require that the contractor submit quarterly reports on compliance with the LMP. The report should include the number and status of project workers, the number of hired and terminated employees in a given period, the number of hours worked, overtime and regularity of payment, OHS issues (injuries and fatalities, if any), safety measures, grievances raised

and resolved, training provided/attended, incidents of non-compliance with national law or the LMP. It will also include the number of workers who have signed the code of conduct, number of awareness-raising sessions in SEA/SH organized and number of staff/workers who attended the trainings conducted. The contractor will be required to identify focal points (e.g., use of GBoS focal point for the project) and communication channels (e.g., WhatsApp, phone call, SMS and email) within the company to address workers' concerns on an ongoing basis. The contractor should ensure that such channels are adequately resourced (e.g., 24-hour staffing of the emergency response call line). The contractor should ensure that the workers shall not be victimized in any way for reporting a grievance or the workplace concerns.

## **6.5 Primary Supply Workers**

The PIU will identify potential risks of child labor, forced labor, and serious safety issues which may arise in relation to primary suppliers as part of the environmental and social assessment in accordance with ESS2.

## **6.6 Workers' Grievance Mechanism**

Grievance mechanism (GM) entails a formal process for receiving, evaluating and redressing program related grievances from affected workers, communities and the public. Typical workplace grievances include demand for employment opportunities; labor wage rates; delays or lack of payment; disagreement over working conditions; and health and safety concerns in work environment.

Although complaints occur in workplaces, they are not always reported for fear of victimization. Hence, a separate worker grievance mechanism (WGM) will be established for project workers (direct workers and contracted workers), as stipulated in the ESS2. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers and should include procedures for reception and management of work-related SEA/SH complaints including referral to local GBV service providers. The WGM will also allow for anonymous complaints to be raised and addressed. Individuals who submit their complaints or grievances to the WGM may request that their name be kept confidential, and this should be respected. The WGM, however, does not replace or override the requirement that the PIU provide for workplace processes for project workers to report work situations that they believe are not safe or healthy, such as reporting requirements regarding workplace injuries and accidents as stipulated in ESS2. For the Government civil servants seconded to the project, the national employment and labor laws and regulations that provide for reporting, management and redress of worker grievances will be applicable. Some of the employment and labor laws, regulations and policies are captured in Chapter 5 of this LMP.

### **i. Direct and contracted workers**

The project will have an effective WGM for direct and contracted workers in line with the provisions of ESS2. Each unit engaging direct workers (PIU, GBoS, field staff, enumerators, and the consultants) and contracted workers will hold periodic team meetings to discuss any workplace concerns. The grievances raised by workers will be recorded with the actions taken by each unit.

The summary of grievance cases will be reported to the World Bank as part of the regular report; however, the PIU will notify the World Bank within 24 hours of any SEA/SH related complaints registered. Where the aggrieved workers wish to escalate their issues or raise their concerns anonymously and/or to a person other than their immediate supervisor, the workers may raise the issues with GBoS/PIU or follow the legal or judicial process in The Gambia. The PIU will establish a focal point person/committee of persons to address anonymous complaints and the requests of workers who believe they have not received effective redress through the project worker grievance mechanism and seek to escalate their complaints. Where consultants/ contractors have an existing grievance system, such mechanism should be used by their direct workers. The direct and contracted workers will be informed of the grievance mechanism on recruitment while the grievance mechanism will be made easily accessible through various uptake channels such as comment/complaint form, suggestion boxes, email, a telephone hotline; and a confidential procedure for workers to submit anonymous grievances in writing or otherwise.

The WGMs to be used by the PIU and the project contractor and sub-contractors will include:

- a procedure to receive, record, refer, resolve, track grievances;
- multiple uptake channels such as comment/complaint form, suggestion boxes, email, a telephone number; a confidential procedure for workers to submit anonymous grievances in writing or otherwise;
- stipulated timeframes to respond to grievances;
- a register in excel spread sheet or similar format to record and track the timely resolution of grievances. Grievances reported by the contractor/subcontractors will also be reported and recorded in this master project worker grievance register;
- a responsible person/department to receive, record and track resolution of grievances. In the case of the project WGM for direct hires working for the PIU, the GBoS/PIU Public Relations Officer will be responsible for receiving, recording and tracking resolution of such grievances.

The WGM will not preclude any project worker's ability to access any other judicial or administrative remedies that might be available under national law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements. The Project worker shall also be able to access the World Bank's Grievance Redress Service and/or the Inspection Panel.

## **ii. Project GM**

In addition to the separate worker grievance mechanism established in line with ESS2, the project also has a general Project Grievance Mechanism (GM). Under the GM, the project has several channels for reporting complaints and grievances. These shall include email, phone calls, text messages, toll-free number (if feasible) and written form that will also be accessible to all workers. Women will be consulted to confirm that the channels are safe and accessible to them, including to report any SEA/SH related complaints. Information on the project GM will be made available to workers at the time they sign their contract, and the information will be available at all facilities, government offices (both national and regional) and community level (preferably at the chief's or local Governor's office, for instance). This is to ensure that all workers, including the unskilled laborers engaged at the community level, if any, have adequate information on how to lodge a complaint and who to direct it to.



Anonymity will be assured when handling workers' grievances. Existing grievance mechanism methods such as 'suggestion boxes' which exist in many worksites especially in government office establishments and appear to be a preferred form of reporting complaints may be used.

However, the experience has been that these boxes are hardly opened. If these will be preferred by the PIU to be used as part of the GM, a structure shall be put in place to guide their opening, reviewing, responding to concerns and providing feedback on the issues raised. It is recommended that all suggestions/ complaint boxes must be open at least once a week and the day and timing of opening should be mentioned on all boxes.

The project GM will include confidential and survivor-centered procedures to record, verify and address SEA/SH complaints with referral protocols to local GBV service providers that will be identified through GBV service mapping.

### **iii. Actions for managing complaints**

- Complaints should be sent to the GM focal point (as will be advised by GBoS/PIU) at the workplace by email, text, phone, letter or in person. The complaints will be logged into the complaints register. The phone number and email address will be made available to the workers at signing the contract or at recruitment.
- GBoS/PIU in consultation with the other Project implementing agencies shall select a Grievance management committee (GMC) that will be housed at a local and national level and will review complaints weekly upon receipt. The GMC will review the complaints and provide guidance on the course of action and ensure follow-up on previous complaints. Any preliminary investigation should take place within 5 working days of the committee meeting. Feedback will be given to the complainant within 10 working days.
- The GMC shall deliberate upon informal complaints which will be raised through social media, print media or not formally lodged, to decide whether to investigate based on the substance and potential impact or reputational risk.
- In case the complaint is referred to the main Project GM and the respective government's legal complaints structures such as ethics and anti-corruption, government administrative or judicial agencies, the World Bank shall be notified.
- With regards to SEA/SH and GBV, such complaints shall be kept confidential, the name of the complainant should only be reported on a consent form which should be kept separately from incident documentation in a locked cabinet with limited access. All incident documents should use a code given to each SEA/SH complaint. Notification about reception of SEA/SH complaint should be sent directly to the Gender Expert or PIU Social Safeguards Officer who should immediately inform the World Bank. Only non-identifiable information should be shared like type of violence, the age and gender of the complainant, and whether a project worker was involved and if survivor was referred to GBV service providers.
- As a general practice, no disciplinary or legal action will be taken against anyone raising a complaint in good faith.
- On reporting, a monthly report of complaints resolution shall be provided to the PIU and the World Bank.

## 6.7 Gender-Based Violence

There will be specific procedures for addressing SEA/SH complaints within project GM including confidential reporting with safe and ethical documentation of SEA/SH cases guided by the GBV Referral Protocol. Multiple channels will be put in place for lodging a complaint in connection to SEA/SH. Specific considerations for addressing SEA/SH are:

- the GM covers grievances related to SEA/SH, as those are the types of GBV most likely to be linked with the project and/or where project related actors are involved. The GM operators must be trained on how to collect SEA/SH cases confidentially and empathetically (with no judgment);
- The Project has established multiple complaint channels as part of the GM, and those who need to use them must trust these. Women will be regularly consulted (in small separate groups led by a woman) to confirm that the channels are safe and accessible.
- No identifiable information on the survivor should be stored in the GM logbook or GM database.
- The GM does not ask for, or record, information on more than four aspects related to the GBV/SEA/SH incident:
  - *The nature of the complaint (what the complainant says in her/his own words without direct questioning);*
  - *If, to the best of complainant's knowledge, the perpetrator was associated with the project; and,*
  - *If possible, the age and sex of the survivor,*
  - *If the survivor has been referred to a GBV service provider.*
- The GM assists survivors by referring them to GBV Services Provider(s) (i.e., the nearest One Stop Centre<sup>3</sup>) Edward Francis Small Teaching Hospital - Banjul and Kanifing General Hospital – KMC
- for support immediately after receiving a complaint directly from a survivor.
- This will be possible because a list of GBV service providers will be made available before project work commences as part of the mapping exercise.
- The information in the GM must be confidential, especially when related to the identity of the complainant. For SEA/SH, the GM should primarily serve to: (i) refer complainants to the GBV Services Provider; and (ii) record resolution of the complaint.

### Data Sharing:

Once the complaint has been formally received by the GM operator, with informed survivor consent, the GBV Focal Point should verify that the complainant has been offered the opportunity to receive services, and if not, ensure that the survivor is referred for necessary services upon obtaining the survivor's informed consent.

The complaint should then be triaged as a SEA/SH complaint and the coordinator for the verification structure notified that a SEA/SH complaint has been received and will need review. The GM focal point from the contractor's end should also notify the appropriate PCU GBV specialist, who in turn will inform the World Bank project lead, within a 24-hour period that a SEA/SH complaint has been received. The GM

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<sup>3</sup> One Stop Centers are places where GBV survivors can receive all needed assistance (medical, psychosocial, legal and sometimes other). Such centers exist in some of the countries of HISWACA SOP1 implementation but not in all areas, so the project should not only rely on referral to One Stop Center and other local GBV service providers will need to be identified.

focal point need only share the nature of the case, the age and sex of the complainant (if known), whether there is a link with the project, and whether the survivor has been referred for services. **Absolutely no identifying information for the survivor or the alleged perpetrator may be shared with either the PCU or World Bank focal points.**

## 7 MONITORING AND REPORTING

### 7.1 Key Indicators for LMP Monitoring

Processes for monitoring, assessment and auditing the implementation of this LMP will be conducted to:

1. Document the implementation and effectiveness of management of mitigation measures
2. Assess actual impacts against predicted impacts
3. Demonstrate compliance with applicable legal and other requirements

Monitoring will be undertaken for both direct hires (including casual labor) and contract workers. The Labor and or HR officer at the PIU, GM members and staff of the Ministry of Gender, Children and Social Welfare will undertake both desktop and field-based inspection programs to confirm that specified mitigation measures are being implemented effectively and achieving the intended outcomes.

The Labor officers and or HR officers at the PIU will take a lead in undertaking bi-weekly assessments to determine the degree to which, the commitments outlined in this Plan are being met. They may be assisted by the GM members. This will include inspections and monitoring of grievances. The assessments will be undertaken by suitably qualified personnel conversant with labor management issues. Assessment findings will be prioritized and closed in a timely manner.

The Environmental and Social Specialists at the PIU will conduct monthly monitoring reviews of the implementation of the rehabilitation activities under component 3, largely based on the social and environmental controls set out in the Environmental and Social Management Plan, and project activities under components 1 and 4.

The E&S Safeguards officers for the project (PIU) will develop monitoring indicators to prevent accidents in the field. This will include training of enumerators on Health and Safety measures for both the field workers and PAPs. Drivers need to be trained to avoid over speeding during field activities. Community consultation would be conducted to sensitize the communities affected about the project and discuss some of the safety measures to be considered during field activities. This will improve community participation during community outreach programs. Signages will be placed in locations near marketplaces, schools premises especially in communities located near the main roads. All this will be put in place as mitigation measures.

### 7.2 Implementation Arrangements

The PIU and GBoS shall have oversight responsibility for the management of all labor issues associated with the project during project implementation. The Contractor for component 3 will play leading roles in direct supervision and enforcement of all the labor management procedures as outlined.

Table 4 below presents the summary of the key roles and responsibilities associated with the LMP

*Table 3: Summary of the key roles and responsibilities associated with the LMP*

Responsible Parties	Designation of Responsible Officer	Roles and Responsibilities
<b>PIU/GBoS</b>	E&S Safeguards Specialists at PIU	<ul style="list-style-type: none"> <li>• Development and oversight over implementation of procedures and protocols relating to labor and working conditions including grievance resolution .</li> <li>• Ensuring that Environmental and Social Clauses with relevant clauses/articles that protect workers' rights, and non-discrimination, protection from SEA/SH and formation of workers associations/unions at work, terms and conditions of work are in line with the national labor laws and prohibition of child and forced labor are inserted in Contract documents</li> <li>• Monitoring and reporting on labor related issues to the satisfaction of the World Bank and other relevant stakeholders such as the Ministry of Trade, Industry, Regional Integration and Employment and Ministry of Gender, Children and Social Welfare.</li> <li>• Ensuring that the workers grievance mechanism is established and maintained through the Project lifespan and that it includes procedures for handling SEA/SH complaints.</li> <li>• Ensure the requirements of the World Bank ESS2 are complied with during project implementation.</li> <li>• Organize orientation sessions on OHS, GBV/SEA/SH for Project Workers.</li> <li>• Accident and incident reporting to the Bank and other stakeholders .</li> </ul>
<b>Ministry of Trade, Industry, Regional Integration and Employment</b>	- Labor Officers	<ul style="list-style-type: none"> <li>• Vetting of all works Contract - Labor Officers under the Ministry of Trade, Industry, Regional Integration and Employment are required to vet workers' Contract for their Conformity with the national labor laws.</li> <li>• Accident and incident Notification and investigation through the contractor.</li> </ul>
<b>Ministry of Gender, Children and Social Welfare</b>	<ul style="list-style-type: none"> <li>- Head of Gender Directorate</li> <li>- Director of Children's Affairs</li> <li>- Social Welfare Officers</li> </ul>	<ul style="list-style-type: none"> <li>• Responsible for advocacy and policy relating to Gender Based Violence, Sexual Harassment and Sexual Exploitation and Abuse</li> <li>• Prevention of Child labor</li> <li>• Ensuring the rights of children in accordance with Government's current policies.</li> <li>• Responsible for assessing, evaluating and addressing the welfare situation generally in the country so far as it affects vulnerable groups and workers</li> <li>• Collaboration with all Government Ministries and establishments and with all national advocacy and welfare groups.</li> </ul>
<b>Sub Project Contractor and Suppliers</b>	- Managing Directors	<ul style="list-style-type: none"> <li>• Responsible for updating the LMP into a Plan and comply with all the provisions in the Plan for the management of the workforce and their health and safety based on this LMP, U-ESMF and ESMP.</li> <li>• Comply with E&amp;S clauses that relate to labor issues.</li> <li>• Train site workers and those of Subcontractors on OHS issues and work-based grievance redress and good community relations</li> <li>• Set up participatory, accessible and time bound systems to receive, investigate, resolve, and provide feedback on workers grievance</li> <li>• Ensure that their workers participate in OHS, GBV/SEA/SH and other orientation sessions</li> </ul>
<b>Project Workers</b>	<ul style="list-style-type: none"> <li>- PIU E&amp;S specialties</li> <li>- Environmental Health and Safety Officers</li> <li>- Supervisors</li> </ul>	<ul style="list-style-type: none"> <li>• Comply with various policies and procedures developed for the management of the workforce and their health and safety based on this LMP, U-ESMF and the ESMP.</li> <li>• Avail themselves for OHS, GBV/SEA/SH and other orientation sessions.</li> </ul>

Responsible Parties	Designation of Responsible Officer	Roles and Responsibilities
<b>GBV Service Providers</b>	- Midwives/Nurses/ social workers etc. employed by Service Providers	<ul style="list-style-type: none"> <li>• Provide case management services for GBV/SEA/SH survivors including counselling, medical care and legal aid.</li> <li>• Awareness creation on GBV/SEA/SH.</li> </ul>

## Annex 1. Code of Conduct for Project Workers

### A. Code of Conduct (Standards for Consultants and Contractors)

I \_\_\_\_\_ will:

Uphold the integrity and reputation of the Institution by ensuring that my professional and personal conduct is consistent with rules values and standards.

When working in an international context or travelling locally on behalf of the Institution I will be observant of all local laws and be sensitive to local customs.

I will seek to ensure that my conduct does not bring the institution or anybody into disrepute and does not impact on or undermine my ability to undertake the assignment for which I have been engaged.

I will not work under the influence of alcohol or use, or be in possession of, illegal substances during work at office duties or client premises or accommodation.

#### **In addition, I will :**

- treat all people fairly with respect and dignity and not discriminate against specific groups such as women, people with disabilities, migrant workers or children
- not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
- not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another
- not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions
- not engage in sexual activity with children (persons under the age of 18).
- acknowledge that mistaken belief in the age of a child is not a defense.
- not exchange money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior
- acknowledge that this behavior is prohibited. I recognize that this includes any exchange in return for assistance that is due to a beneficiary.
- not engage in sexual relationships with beneficiaries.
- Will recognize that such relationships are based on inherently unequal power dynamics.
- not engage in any commercially exploitative activities with children or vulnerable adults including child labor or trafficking.
- not physically assault a child or vulnerable adult.
- not emotionally or psychologically abuse a child or vulnerable adult.

Ensure the safety, health and welfare of all consultants and client staff members and associated personnel (volunteers, partners, suppliers and subcontractors)

**I will also:**

- adhere to all legal and organizational health and safety requirements in force where I am working.
- comply with any local security guidelines and be pro-active in informing management of any necessary changes to such guidelines.
- avoid behavior that could result in unnecessary risk to the safety, health and welfare of myself and others, including clients, partner organizations and communities with whom we work.
- complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
- report violations of this Code of Conduct; and
- not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Mechanism.

Be responsible for the use of information, assets and resources to which I have access because of my employment with the Institution I will:

- ensure that I use Institution and client assets and resources entrusted to me in a responsible manner and will account for all money and property.
- not use the institution or client IT equipment, software or e-mail and social media platforms to engage in activity that is illegal under local or international law or that encourages conduct that would constitute a criminal offence. This includes any material that intimidates or harasses any group based on protected characteristics. It also includes any material that encourages extremism.
- not use Institution or client IT equipment to view, download, create, distribute, or save in any format inappropriate or abusive material including but not limited to pornography or depictions of child abuse.

Perform my duties and conduct my private life in a manner that avoids conflicts of interest

**I will**

- declare any financial, personal or family (or close intimate relationship) interest in matters of official business which may impact on the work of the project and not be involved in awarding benefits, contracts for goods or services, employment or promotion within the Institution or Project's clients, to any person with whom I have a financial, personal, family (or close intimate relationship) interests.
- inform the Institution of any nominations to an official role in a political party and understand that this may result in the need for me to withdraw from current and future contracts.
- not accept significant gifts or any remuneration from government, communities with whom we work, donors, suppliers and other persons which have been offered to me as a result of my engagement with them.



## **Uphold confidentiality**

### **I will:**

- exercise due care in all matters of official consultant business.
- not divulge any confidential information relating to colleagues, clients, work-related matters or any sensitive information unless legally required to do so.

I understand that any violation of this Code of Conduct by Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

I have received a copy of this Code of Conduct written in a language that I understand. I understand that if I have any questions about this Code of Conduct, I can contact the Social Safeguards Specialist requesting an explanation.

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

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

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

## **Complaints and reports**

- Project staff are obligated to bring to the attention of the relevant authority any potential incident, abuse or concern, which appears to breach the Standards, contained in this Code. Staff in this context includes contracted consultants as well as employed staff. This applies to incidents that they witness, are made aware of, or suspect have occurred.
- Project staff reporting concerns are protected by the Whistleblowing policy.
- Contracted consultants who have a complaint or concern relating to breach of the Code should report it immediately to the relevant authority. This would normally be the PIU employee who contacted them about an assignment. If the complaint or concern is more general than a specific assignment, they should use either the Supervisor or appropriate authority as their first point of contact. In their absence, you should contact the PIU E&S Specialists.

## **Safeguarding Policy**

This Safeguarding Policy lays out firm commitment to ensuring the safety and protection of all children, young people and vulnerable adults with whom the organization engages.

This includes:

- Promoting the welfare of children, young people and vulnerable adults through facilitating referral to free and quality GBV service provision
- Preventing harm through awareness raising and proactive measures to identify and mitigate risks.
- Protecting children, young people and vulnerable adults by responding quickly and effectively whenever harm or abuse is identified
- Partnership and collaboration with other organizations facilitating referrals and joint activities to prevent and respond to actual or potential harm against children, young people and vulnerable adults.

This policy covers all forms of physical abuse, emotional ill-treatment, sexual exploitation, abuse or harassment, and neglect, denial of resources, commercial or other exploitation that results in actual or potential harm. This includes harm, which is caused intentionally or unintentionally, directly or indirectly.

The policy applies to:

- All staff who are contractually employed by the project.
- All individuals who carry out work, paid or unpaid, in the name of CONSULTANT. This includes board members, volunteers/interns, consultants and service providers.
- All project visitors including journalists, media personnel, investors and any other individual visiting project during implementation work in any capacity.

Relevant Partners who are in contact (direct or indirect) with children, young people and vulnerable adults are expected to have their own safeguarding policies and procedures in place. In the case a partner do not have their own safeguarding policies they must abide by the project 's safeguarding policies. If there are areas where the policy is stronger the partner subjects to review the Policy in those areas and this will cover this in the partnership agreements.

The PIU will treat any breach of its safeguarding procedures seriously. Failure to comply with this policy may incur sanctions ranging from disciplinary action (including possible dismissal), termination of contracts or partnerships and, where appropriate, referral to the police or other relevant authorities.

### **Duty to Safeguarding**

The duty of safeguarding by the E&S Specialists is categorized into two; i) internal and ii) external incidents:

- I. Internal incidents are events that cause harm or may cause harm to children, young people and vulnerable adults which involve CONSULTANT staff, volunteers, contractors, partners, consultants, and service providers. This includes anyone having a financial/contractual relationship with the organization. These incidents are normally handled through CONSULTANT safeguarding policy and procedures.
- II. External incidents are events that cause harm or may cause harm to children, young people and vulnerable adults in the broader community or environment in which are affected in the project work. They do not involve directly. These incidents are normally referred to external service providers.

It is important to clearly outline the objectives and commitment to safeguarding. It needs to consider the welfare and protection of children, young people and vulnerable adults to be an organizational imperative, with primacy over the success of programs or strategic objectives.

The organization has a zero-tolerance approach to the harm of children, young people and vulnerable adults. CONSULTANT believes that everyone has an equal right to protection from abuse and exploitation regardless of age, race, sex, sexual orientation, marriage and civil partnership, pregnancy or having a child, gender assignment, religion, political or other opinion, national, ethnic or social origin, or disability.

The project is committed to safeguarding through the following means:

- Detecting: Ensuring all staff can identify abuse situations.
- Sensitization: Ensuring that all staff and others are sensitized on safeguarding issues.
- Prevention: Ensuring through good practice, the minimization of risks to children, young people and vulnerable adults.
- Reporting: Ensuring that we are clear on what steps to take where concerns arise.
- Responding: Ensuring that action is taken to protect children, young people and vulnerable adults where concerns arise.

### **Obligations of Staff and Representatives**

The project is committed to the following when cases of exploitation, abuse, harassment or harm to children, young people and vulnerable adults are known or suspected:

- Taking any concerns raised seriously;
- Taking positive steps to ensure the protection of children, young people and vulnerable adults who are the subject of any concerns;
- Supporting the child, young person, staff or other adults who raise concerns or are the subject of concerns;
- Acting appropriately and effectively in instigating or co-operating with any investigation;
- Being guided through all processes by the principle of the best interest of the child;
- Listening to and taking seriously the views and wishes of the child, young people and vulnerable adults;
- Working in partnership with parents/caregivers and others to ensure the protection of the child, young adults and 1-qqvulnerable adults;
- Carrying out any investigation honestly and fairly and with due regard to CONSULTANT disciplinary procedures and legal procedures.

The project staff and representatives are required to:

- Popularize and make themselves familiar with and understand these local procedures for reporting and responding to individual or specific cases of abuse;
- Report concerns that a child, young person or vulnerable adult has disclosed a risk or case of abuse or harm immediately in accordance with these local procedures.

- Document clear records of the reported or witnessed concerns.
- Concerns may include situations whereby:
  - You see, hear of, by any means or suspect a case of abuse
  - An allegation of abuse is made to you
  - Disclosure of an incident of abuse
- Respond to a child, young person or vulnerable adult who has been abused or about to be abused in accordance with these local procedures and in accordance with their best interests and safety.
- Cooperate fully and confidentially in any investigation of concerns or allegations.

### **Standards for Reporting Safeguarding and Impact Concerns**

- i. **Mandatory Internal Reporting** - It is the responsibility of all staff, outside contractors and partners to take seriously any concerns, complaints, allegations, suspicions and incidents involving children, young people and vulnerable adults. Reporting these concerns to the designated Safeguarding Officer is a mandatory requirement in the project implementation. Failure to report will be considered a serious breach of the project Safeguarding Policy.

Mandatory reporting relates to any potential risk or actual harm caused to any child, young person or vulnerable adult regardless of their relationship with the victim and irrespective of age, religion, gender, race or socio-economic status. Concerns about harm or abuse must be internally reported where:

- The alleged perpetrator is a project staff, visitor, associate or a member of staff of a partner organization.
  - The alleged perpetrator is a member of the child’s family, community or is unknown to the child, young person or vulnerable adult.
  - The alleged perpetrator is also a child, although responses should take into account the protection and safety of both the affected child and the alleged perpetrator.
  - The abuse is historical. Most abuse is not disclosed until many years after it has occurred but the risks of harm to children, young people and vulnerable adults may persist and require investigation.
  - The report is anonymous as this does not automatically mean that it bears less substance but may indicate fear of reprisal, shame or other barriers to disclosure. Anonymous reports should be taken seriously as ‘named’ reports although the extent to which they can be investigated may be limited by the anonymity.
- ii. **Duty Care Givers** have a legal and moral obligation to respond to cases of harm and abuse when these are identified through our engagement with children, young people and vulnerable adults. When cases of abuse are identified, The duty of care encompasses:
    - Listening and providing re-assurance to the child, young person or vulnerable adult.
    - Helping the child, young person and vulnerable adult to share their concerns with a trusted adult who can help them decide what further action to take (e.g., parent/caregiver)
    - Providing details of recognized, child-friendly, youth, disabled or other agencies who can provide protection (e.g., save the children, the police) or additional advice and support (e.g., recognized telephone helpline, a local child protection agency)

- Ensuring concerns relating to project staff, consultants, partners service providers or visitors are fully investigated and action taken
  - Ensuring staff have access to their code of conducts and are familiar with the Safeguarding policy, reporting guidelines and procedures.
  - Ensuring there is a focal person designated to ensure Safeguarding policy is prioritized for implementation.
  - Appropriate follow ups of Safeguarding reports in agreement with the policy
  - Applying disciplinary measures to staff who fall short of policy principles.
  - Providing support to survivors of harm by staff or associated personnel
- iii. Organizational Responsibility – the responsibility for decisions and actions rests with GBoS as an organization and not with any individual. Staff and any other representatives of the organization must not act in isolation but must consult with the project’s designated Safeguarding Officer or the appropriate authority before taking any action in response to the child protection concerns.

## **B. Staff Code of Conduct**

### **i. General Professional Conduct**

- Be polite, considerate and provide an example of the good conduct that you wish others to follow.
- Never use language or behavior that discriminates on the grounds of gender, race, culture, age, disability, religion or sexuality.
- Never engage in any activity that could bring the organization into disrepute. The Policy does not seek to dictate the values by which you conduct your personal life but actions taken outside of working hours that contradict this policy will be considered a violation and will be investigated.
- Challenge unacceptable behavior and report any concerns immediately.
- No sexual activity with anyone under the age of 18
- Do not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel;
- Do not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
- Do not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
- Do not rape or attempt to rape
- Do not engage in commercial sex
- No staff should have a sexual relationship with beneficiaries
- Do not hit or physically assault a child, young people or vulnerable adults
- Do not put a person at risk or harm
- Do not use position of power to take unfair advantages of a fellow staff member, beneficiary or volunteers.
- Do not accept gift (in kind or cash) from beneficiaries
- Do not harbor GBV survivors at home
- Do not expose GBV survivor’s identity publicly without consent.

- ii. Preparation for Visits
  - Attempt to understand the local cultural and religious norms, particularly those related to contact between children and adults.
  - Ensure that you take clothing that is appropriate to the local culture and religion.
  - Discuss contact with children and young people with the appropriate person or authority in advance to identify and minimize any potential risks
- iii. Interactions with children, young people and vulnerable adults
  - Always ensure that children, young people and vulnerable adults know who you are and why you are visiting.
  - Always ask permission before taking photographs or videos and ensure that the proper consent for further usage is obtained.
  - Always treat children, young people and vulnerable adults with respect and never act in a way which could shame, humiliate or degrade them.
  - Never show favoritism or spend excessive time with one child or young person or vulnerable adult. You should avoid developing close emotional ties with any one individual.
  - Never offer money or gifts to individual children or their family. Where gifts are given, they should only be given to groups of children and should be of minimal value.
  - Never be alone with children or young people or placing yourself in any situation which could be misinterpreted.
  - Never take a child or young person or vulnerable adult in your care, to your hotel or to any other private spaces.
  - Never share personal details about yourself (your hotel, home address or contact details) or agree to connect with children or young people on social media
- iv. Physical Contact with children, young people or vulnerable adult
  - Always wait for the child to initiate any type of physical contact - remember your presence may be unsettling and any attempt to initiate physical contact may be misinterpreted.
  - Never hit or physically chastise a child or young person or vulnerable adult (including using physical restraint to contain behavior)
  - Never give assistance in aspects of personal care (e.g., dressing, bathing etc.)
  - Never engage in or allow sexually provocative games or behave in a manner which might be considered inappropriate or sexually provocative.
  - Never sleep in the same room or bed as a child or young person with whom you are working.
  - Never develop physical/sexual relationships with children, young people, vulnerable adults or other beneficiaries.
- v. Use of Social Media
  - Never directly post images or stories about children, young people or vulnerable adults who are engaged with you on your personal social media accounts. Consent is given to you as an organization and not to the individual for personal use.
  - Never accept contact requests or engage with children, young people or vulnerable adults you have met through contact via personal social media.
  - Never post anything that could damage the integrity or brand of the organization
  - Never upload or post any racist, tribalism, defamatory, obscene, or abusive content.

I understand that any violation of this Code of Conduct may result in serious consequences, up to and including termination and possible referral to legal authorities.

I have received a copy of this Code of Conduct written in a language that I understand. I understand that if I have any questions about this Code of Conduct, I can contact the Social Safeguards Specialist requesting an explanation.

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

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

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

## Annex 2. Grievance Logbook for non-SEA/SH complaints

Case no.	Date Claim Received	Name of Person Receiving Complaint	Where/how the complaint was received	Name & contact details of complainant (if known)	Content of the claim (include all grievances, suggestions, inquiries)	Was Receipt of Complaint Acknowledged to the Complainant? (Y/N – if yes, include date, method of communication and by whom)	Expected Decision Date	Decision Outcome (Include names of participants and date of decision)	Was Decision communicated to complainant? Y/N If yes, state when and via what method of communication and if follow up action is required.