

**Government of Himachal Pradesh
Himachal Pradesh Forest Department**

**INTEGRATED PROJECT FOR SOURCE SUSTAINABILITY
AND CLIMATE RESILIENT RAIN-FED AGRICULTURE IN
HIMACHAL PRADESH
(World Bank Assisted)**

Labour Management Procedures

**Final Report
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**Himachal Pradesh Forest Department
Project Management Unit
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ESS2 Labour Management Procedures

1. Background

The Government of Himachal Pradesh (GoHP) is preparing the Integrated Project for Source Sustainability and Climate Resilient Rain-fed Agriculture (IP) in the selected Gram Panchayats of the State, with financing from the World Bank. IP carries forward the ideas and learnings of H.P. Mid Himalayan Watershed Development Project (HPMHWD). The proposed IP will invest in measures in upstream catchment areas to improve sustainable land and watershed management to promote the sustainability of perennial water sources. It will also support continued diversification and commercialization of agricultural value chains in downstream areas by supporting production and value addition including the promoting efficient water use thereby increasing the productivity of water in agriculture. It will adopt a spatial approach by (i) applying a landscape approach to individual high-risk micro-watersheds within select river basins in Himachal Pradesh; and (ii) overlaying this with a cluster approach to target value chain investments in specific locations to leverage economies of scale and network externalities. In parallel, the project will develop and demonstrate the application of an analytical evidence base to inform strategic policy choices viz. the trade-offs between alternative water use and will pilot a new institutional arrangement for addressing complex multi-sectoral concepts such as sustainable landscape management that involves several sectors and multiple Government departments.

2. Summary of Proposed Project Interventions

The project development objective of the proposed Integrated Project for Source Sustainability and Climate Resilient Rain-fed Agriculture (IP) is “To improve upstream watershed management and increase agricultural water productivity in selected Gram Panchayats in Himachal Pradesh.”

The proposed project interventions and its four main components are provided below.

Component 1 (Sustainable land and water management) will support a) establishment hydrological monitoring stations; b) preparation of Gram Panchayat Resource Management Plans (GP-RMPs); c) Soil and water conservation measures including afforestation, check dams, bunds water harvesting structures, drainage line treatments, gully plugging; d) Plantations, e) Pasture management with rotational grazing, fodder delineated forest, introduction of voluntary systems of rotational grazing in young forest; e) Development of high-quality seed stands f) construction of centralized seed center and climate-controlled seed bank; g) Nursery development h) Forest fire prevention and suppression measures. i) Innovative silviculture pilots and j) operation, maintenance and investment fund (OMIF).

Component 2 (Improved Agricultural Productivity and Value Addition) will support interventions on a) water harvesting, storage, and distribution infrastructure, small pond excavation, community tank renovation, roof rain-water tanks, traditional irrigation channels, and gravity and lift intake and distribution structures; b) on farm adoption of Climate Smart Technologies; c) “last-mile” market access infrastructure such as footbridges and manually operated, ropeways (but not roads or investments requiring land acquisition); d) matching grants to individual farmers and farmer groups for essential productive assets.

Component 3 (Institutional Capacity Building for Integrated Watershed Management) will support institutional assessments, functional reviews, institutional strengthening, institutional reforms, change management, capacity building interventions that would enable adoption of more holistic approach towards integrated watershed management, climate change, climate resilient and resource efficient agriculture, including information technology strategy

Component 4 (project management) will support key project staff, monitoring and evaluation, grievance redress mechanisms, Environment and Social Framework (ESF) implementation, overall capacity building, project communication etc.

3. Overview of Labour Use in the Project

While the overall environment and social risk rating of the IP remains moderate, the Project’s Environmental and Social Assessment has identified the potential for some risks and impacts associated with workers as well as community health and safety. This Labour Management Procedure (LMP) developed by Himachal Pradesh Forest Department (HPFD) aims to manage and mitigate such labour related risks and impacts. The LMP sets out the Project’s approach to meeting national requirements as well as the objectives of the World Bank’s Environmental and Social Framework, specifically objectives of Environmental and Social Standard 2: Labour and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4). The LMP applies to all full-time, part-time, temporary, seasonal or migrant workers employed by HPFD, the contractors and/or the community, and the workers employed by HPFD’s primary suppliers. The LMP may be updated during project implementation, in response to changed or new labour requirements and/or risks and impacts identified.

Direct Workers. An estimated 450 direct workers will be employed by the Project Management Unit (PMU), District Project Officer (DPO) and Assistant Project Officer (APO) Offices. About 429 of these direct workers will be on deputation from GoHP and about 30 will be short- and long-term consultants recruited from the open market on contractual basis. Most Short-Term consultants will be engaged to undertake short period assignments such as assessments, studies and preparation of area specific

mitigation plans. These consultants will be guided by specific terms of reference and contractual agreements between them and IP. These short-term consultants are expected to work against time based and output based contracts which is spelt out in their contracts. Direct Workers will be mostly technical staff with skills in forestry, agriculture, animal husbandry, engineering, financial and environmental and social fields. About 20% of direct workers are expected to be women.

Contract Workers. Community level works related to soil and water conservation, water source augmentation and distribution, forestry operations, pasture and nursery development, market access infrastructure etc. will involve engagement of contract labour. These will be small sized, low cost, construction contracts executed through local contractors. Most of these local skilled and unskilled labour will be engaged by the Contractors for carrying out the project activities. The project is expected to have about 4500 contracts in 428 GPs with each contract involving about 5-15 contract workers engaged for an average period of 10-30 days. These low-cost, small-scale, labour intensive, works are envisaged to create productive assets at community level and provide temporary employment opportunities to beneficiary households. Workers under the age of 18 will not be permitted in the implementation of the Project. Female contract workers will not be engaged under these contracts. This will be enforced through the conditions in contract documents and in orientation activities.

Community Workers: Construction, plantation and other related activities are not expected to employ workers who will be voluntarily contributing their labour to such works. However, over the period of the project, this possibility is not totally rule out. This will be purely optional and include both men and women between the age of 18 and 65. Women are not expected to work as community workers.

Migrant Workers. About 5%-10% of the total contracted workers are likely to be migrant workers from other states, mainly Bihar, as well as from Nepal. These will be all male workers.

Primary Supply Workers. Most of the construction materials like brick, cement, sand etc. will be part of the contract with the local construction contractors who will be independently procuring these materials from diverse local suppliers and utilising them in construction activities. No suppliers are currently expected to have an ongoing relationship with the HPFD for directly supplying any project goods or materials essential for the core functions of the project.

Timing of Labour Requirements: Most Direct Project workers are expected to continue throughout the project implementation period, with some intermittent short-term consultants. After the project, most of them will continue work in their parent department as they are permanent government employees. These workers follow official work timings of 8-hour days. Project execution activities are expected to start during the first quarter of the first year of the project and to be completed in the last quarter of fifth year of the project. Contracted workers will be expected to work for

day shifts of 8-10 hours. Community workers are eligible to work for sixty days spread in a period of six months, not competing with agricultural peak season but during the lean season. They will be working for four hours a day with flexibility of working in the morning or afternoon.

4. Assessment of Key Potential Labour Risks

Project activities: The main types and locations of activities carried out by the project workers are summarised below;

i) *Direct Workers* will be involved in project management, implementation roll out in project GPs. capacity building and field support, monitoring and reporting of project implementation progress and studies and assessments. These will be cut across all the project components, including financial management, procurement, monitoring and evaluation, information technology and environment, and social management. Very small proportion of community and migrant workers could also be involved

ii) *Contract Workers* hired by local contractors will be primarily involved in construction/civil works, operations and maintenance works related with soil and water conservation measures (Drainage Line Treatment, contour trenching etc.), water harvesting, storage and distribution, source sustainability, plantations, forestry operations, fodder plots, Nursery establishment and support, market infrastructure, agriculture and livestock demonstrations, Fire Protection Awareness etc. Contract workers hired by consulting firms and resource agencies will be involved in participatory planning exercises, feasibility studies, monitoring and evaluation studies, thematic assessments, area specific plans, and training and capacity building.

Key Labour Risks. Overall, the key labour risks associated with the project are summarised below.

The possibility of such risks is too low as each of the GPRMP activities are of small and low-cost in nature.

- a) *Child and Forced Labour.* Risks of child and forced labour are low as the local contractors are registered with the HPFD and need to comply with the labor laws of the state. Incidence of child and forced labor is low in the sector, and the state of HP. Project implementation and monitoring arrangements from the HPFD and community side cover all the activities on a regular basis.
- b) *Migrant and Seasonal Labor.* About 5-10% of labor is likely to come from neighboring states such as Bihar or even from Nepal. Social and health risks related with labor influx are low, as labor influx is not expected. These labors will be working for a short duration in sites which are located away from the villages. There will be no labor camps under the project.

- c) *Hazardous Work*. The watershed, plantation and irrigation related work does not involve working with heavy machinery or working at heights or confined, dangerous places. These works also do not involve any hazardous materials
- d) *Possible accidents or emergencies*. The risks due to accidents and emergencies are low given the size of the construction work and absence of any hazardous nature of works places or materials.
- e) *Occupational health and safety*. General understanding and implementation of occupational health and safety requirements will need strengthening.
- f) *Gender based violence*. Overall GBV risks are assessed low in the context of size of contract and proactive involvement of project managers and community leaders, including women’s groups. More than 95% of the contract labor are going to be men, and women’s participation as contract or community workers is going to be very low. Given the short duration, small size construction contracts, seasonal and migrant labor presence will also be low. Consultations with women and project stakeholders also do not anticipate GBV to be a major risk.

5. Brief Overview of Labour Legislation: Terms and Conditions

Key aspects of the national labour legislation, with reference to terms and conditions of work, compensation and benefits are summarised below.

Labour related laws	Requirements of Terms and Conditions
Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	It regulates the employment and conditions of service of building and other construction workers and provides for their safety, health and welfare. It covers Hours of work, intervals of rest payment of overtime rate, record of persons employed, deductions and overtime.
Workmen Compensation Act, 1923	It provides for payment of compensation by employers to their employees for injury by accident i.e. personal injury or occupational disease.
Inter-state Migrant Workers Act, 1979	It protects workers whose services are requisitioned outside their native states in India. A contractor who employs or who employed five or more Inter-State migrant workmen need to obtain registration under this act
Child Labour (Prohibition & Regulation) Act, 1986	It prohibits employment of children less than 14 years of age in specified hazardous occupations and processes and regulates the working hours, labour records/registers, age certificate, safety education and working conditions in others. Also provides for safety related precautions and personal protective equipment.

Minimum Wages Act, 1948	Payment of minimum rate of wages as fixed and periodically revised by the State Government; no distinction between minimum wages of male or female or adult or non-adult for similar work; enhanced wage rate in scheduled tribal areas;
Building and Other Construction Workers Welfare Cess Act, 1996	An Act to provide for the levy and collection of a Cess on the cost of construction incurred by employers.
The bonded labour system (abolition) act, 1976	provides for abolition of bonded labour system along with abolition/dissolution of any bonded labor related agreements/contracts, debt, mortgaged property etc.

EMPLOYEES' PROVIDENT FUNDS & MISC. PROVISIONS ACT, 1952 & THE SCHEMES requires employers (factories, establishments, or contractors) with more than 20 or more employees, to provide terminal benefits to workers on completion of their employment, The employer shall pay the contribution payable to the EPF, DLI and Employees' Pension Fund in respect of the member of the Employees' Pension Fund employed by him directly by or through a contractor

The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996 and The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (only when the contractors bring in migrant labour) are the main legislation that guide labour practices in the project area. Terms and conditions provided by these Acts includes prohibition of child labour, prohibition of forced labour, freedom of association, prohibition of discriminations, employment standards i.e. maximum hours of work, night work standards, right to break during working day, leave and fair terminations. The above terms and conditions apply to the long-term consultants. However, some of these terms and conditions applies to community workers i.e. prohibition of child labour, prohibition of forced labour, prohibition of discriminations and maximum hours of work.

The legislation requirements confirm to guidance provided in WB Environmental and Social Framework (ESF) and Environmental and Social Standard 2 (ESS 2). These laws include the above acts and, have relevant clauses that support ESS 2. Project workers will be provided with information that is clear and understandable regarding their terms and condition of employment.

6. Brief Overview of Labour Legislation: Occupational Health and Safety

The Occupational Safety, Health and Working Conditions Code, 2019, describe procedures to be followed to ensure workers safety. Furthermore, the Act make provisions on safety, health and welfare of persons in places of work. Measures relating to OHS are for protecting workers from injuries, illness or impacts associated

with exposure to hazards encountered in the work place or while working. Such OHS measures include provision of PPE, awareness raising and guidance on how to prevent accidents at work place. This align with the requirements of ESS2 and National Laws on OHS and work place conditions. The Workers under the project will be provided with facilities (protective gears) appropriate to the circumstances of their work as advised by Sector Experts SMS (Social) and SMS (Environment). The project will also insist on comprehensive labour insurance for all the labour under the contracts.

Rule 39 of Himachal Pradesh Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2008 required a project proponent to prepare a Health and Safety Policy. Himachal Pradesh Building and Other Construction Rules, 2008 specifies following requirements. It shall be the duty of the employer to maintain the latrines, urinals, washing facilities and canteen in a clean and hygienic condition. The canteen shall be located in a place away from the latrines and urinals and polluted atmosphere and at the same time be easily accessible to the building workers. where both male and female building workers are employed, there shall be displayed outside each block of latrines or urinals a notice containing therein “For Men Only” or “For Women Only”, written in the language along with pictorial display understood by most of such workers;

The Trade Union Act, 1926; the act recognizes the rights of workers/ employees to assemble and form associations to put forward their concerns, problems, issues and opinions to the management. It encompasses any combination, permanent or temporary, that gets formed to regulate relationship between workmen and their employers.

The Equal Remuneration Act which stipulates that it is the duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature.

The Child Labour (Prohibition and Regulation) Act, 1986: Identifies the child as an individual who has not completed 14years of age and prohibits employment of children in certain occupation and processes. The act also specifies conditions or work for children.

Forced labour: The Constitution of India through fundamental rights Right against exploitation the (Part III, Fundamental Rights No 23), protects it citizens from exploitation and mistreatment. The Bonded Labour (Abolition) Act 1976 prohibits all forms of bonded labour

Provisions under The Buildings and Other Workers were observed to be using Personal Protection Equipment NTPGL has an incident reporting process for the construction planning process should also include AECOM Environment, Health, Safety and Social Audit Report TIDONG -1HEP 37 S No Reference/ Standard/

Requirement Legal Requirement Description of the Observation GAPS Identified Proposed Corrective Action H&S through training, documentation & reporting. Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Himachal Pradesh Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2008 Rule 34. Excessive noise, vibration etc. Rule 35. Fire protection Rule 36. Emergency action plans Rule 40. Dangerous and harmful environment Rule 43. Dust, gases, fumes etc. Rule 153. Ventilation Rule 124. Illumination. Rule 42. Drowning and falling hazards Rule 87. Prevention from drowning Rule 45. Eye Protection Rule 46. Head protection and other protective apparel Rule 54. Use of safety helmets and shoes Rule 47. Electrical hazards Rule 162. Live wire in tunnelling works Rule 119. Notification of intention to carry out excavation and tunnelling work. Rule 122. Warning signs and notices Rule 128. Trenches Rule 212. Handling of explosives. Rule 223. Medical examination of workers, etc. Rule 225. Occupational health centres Rule 227. Ambulance van Rule 229. Occupational health services for workers. Rule 243. Latrine and urinal accommodation

7. Responsible Staff

Deputy Director (Administration) will hold the overall responsibility for implementation, monitoring and reporting of the labour management procedures (LMP) covering project workers, contract workers, community workers and the primary supply workers (when applicable). The Deputy Director will be responsible for providing guidance and advice to the *Social, Procurement, Communication* and Environment experts in the SPMU, in implementing the LMP and complying with the applicable labour legislations. The Deputy Director will also be responsible for engagement and management of project workers, along with the HR expert.

Deputy Director (Planning, Procurement) will be responsible for engagement and management of contractors and sub-contractors and will be supported in this by the SMS (procurement) as well as SMS (Social). S/He will also be responsible for tracking and resolving workers grievances.

Social Development Expert or Subject Matter Specialist (Social) in the State Project Management Unit (SPMU) will be responsible for implementing the overall ESF Strategy of the project, including the ESMF, the ESS specific social plans and frameworks, the ESCP and the ESMPs. The SMS Social will hold the day to day operational responsibility for implementing the LMP through the field staff described below and reporting on its implementation. S/he will be preparing the necessary training modules, and organising training programs for the district and field staff as well as the contractors on implementation of the LMP. The Social Expert will work closely with the Procurement Expert and the SMS (communication, publicity and grievances) in implementing the LMP. The SMS (Social) will be assisted by a Social Extension Officer and short-term consultants and resource agencies who will be engaged for short periods of times throughout the project implementation period.

SMS (social) in close working with the SMS (*Procurement*) and SMS (*Communications and Grievance*) will prepare relevant LMP guidelines, design and delivery LMP training programs for staff and contractors, prepare and update suitable bidding documents and construction contracts. They will collaborate in building capacity of contractors and monitoring their performance. They will also collaborate on systems of monitoring labour and working conditions, conducting environmental and social audits and facilitating training for staff in the DPOs and APOs. SMS (Social) will also be responsible for training of workers and contractors on the LMP, including OHS.

SMS (communication) will be responsible for working with the SMS (Social), SMS (environment), Deputy Directors and ED to prepare and roll out information, education and communication (IEC) products and campaigns that would support all aspects of the ESF, including SEP, GRM, LMP and others.

District Project Officer (DPO). The DPOs located within the Divisional Forest Offices (DFOs) will be responsible for overall implementation and oversight of the LMP within their districts and blocks. The DPO will be supported by an assistant (APO), and a small technical staff, including district level monitoring officer. DPOs will be accountable for all activities at district and GP level. The DPO Technical Team will support APOs and UG/CAG/ Federations and Gram Panchayats (GPs) in work site management. This will entail ensuring that all workers use safety gears during execution of works. They will also be responsible for training of UG/ CAG/ Federations and GP Leadership on safety measures to avoid work place accidents, filling of forms required, prepare quarterly monitoring reports, etc. For LMP, the DPO will be responsible for organising the training of workers and workers grievance management.

Social Extension Officers (SEO). The SEO will be based in the Assistant Project Office (APO) will be directly responsible for working with the Gram Panchayats, Engineering Experts of DPOs, Construction Contractors and Labour as well as the GPs. The APO Team will support UG/CAG/ Federations and Gram Panchayats (GPs) in work site management. This will entail ensuring that all workers use safety gears during execution of works. They will also be responsible for training of UG/ CAG/ Federations and GP Leadership on safety measures to avoid work place accidents, filling of forms required, prepare quarterly monitoring reports, etc. They will also be responsible for Screening, GPRMP Preparation Support, ESMP Implementation, Community mobilization, engagement and participation, Monitoring, grievances, reporting, etc. This will entail ensuring that all workers use safety gears during execution of works. They will also be responsible for safety measures to avoid work place accidents, filling of forms required, prepare quarterly monitoring also reports, etc.

Gram Panchayats. Activities at the village level will be implemented by the GPs to promote direct community/ beneficiary participation. The UG/CAG/ Federations support Gram Panchayats (GPs) in work site management.

8. Policies and Procedures

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

The contractor will be required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection by project staff, its consultants as well as the ESF audit consultants. The main responsibility to ensure this will be with the APOs in the block project office. A full set of contractual requirements related to environmental and social risk and impact management is provided in the Projects' Environmental and Social Impact Assessment. All environmental and social requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the Projects environmental and social instruments.

Under no circumstances will IP, the HPFD, Contractors, suppliers or sub-contractors engage forced labour. Forced labour includes bonded labour (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods, retaining the worker's identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable at the commencement of employment, loss or delay of wages that impede the workers' right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis. This will be ensured through i) inclusion of code of conduct in the contract documents; ii) ESMPs (under civil works) and iii) regular monitoring and reporting by the Social Extension Officers / Social Mobilisers of the Block Office

ESS2 requirements on Occupational Health and Safety will be complied with through a provision of Personal Protection Equipment (PPE) to every worker at all working sites. Such PPE will be identified during Micro-planning stage when GPRMP activities will be firmed up. Different PPE will be supplied and used depending on different GPRMP activities. The ESMF also covers provisions of occupational health and safety

at the project sites which includes but not limited to provision of sanitary facilities, solid waste collection and disposal points, use of appropriate PPE with respect to project implemented and provision of First Aid Kit in all sites. Cost for procuring PPE will be included in the GPRMP budget. They will also maintain a stores ledger book where all tools procured will be recorded

9. Occupational Health and Safety

IP is committed to:

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

The contractor will be required to have a Safety, Health and Environmental Representative for the workplace or a section of the workplace for the contract period.

At a minimum, the Representative must:

- Identify potential hazards;
- In collaboration with the employer, investigate the cause of accidents at the workplace;
- Inspect the workplace including plant, machinery, substance, with a view to ascertaining the safety and health of employees provided that the employer is informed about the purpose of the inspection;
- Accompany an inspector whilst that inspector is carrying out the inspector's duties in the workplace;
- Attend meetings of the safety and health committee to which that safety and health representative is a member;
- Subject to (g), make recommendations to the employer in respect of safety and health matters affecting employees, through a safety and health committee; and
- Where there is no safety and health committee, the safety and health representatives shall make recommendations directly to the employer in respect of any safety and health matters affecting the employees.

In accordance with these provisions, and to avoid work related accidents and injuries, the contractor will:

- Provide occupational health and safety training to all employees involved in works. Provide protective masks, helmet, overall and safety shoes, and safety goggles, as appropriate.
- Provide workers in high noise areas with earplugs or earmuffs.
- Ensure availability of first aid box.
- Provide employees with access to toilets and potable drinking water.
- Provide safety and occupational safety measures to workers with Personal Protection Equipment PPE to prevent accidents
- Properly dispose of solid waste at designated permitted sites landfill allocated by the local authorities and cleaning funds; and attach the receipt of waste from the relevant landfill authority.

- Carry out all procedures to prevent leakage of generator oil into the site.
- Ensure that the head of the well is covered tightly.
- Provide secondary tank for oil and grease to avoid spills.

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

Incidents and Accident Notifications. The field project staff will promptly notify to the PMU within 24 hours any incident or accident related or having an impact on the Project which has, or is likely to have, a significant adverse effect on the environment, tangible cultural heritage, the affected communities, the public or workers. They will provide sufficient detail regarding the incident or accident, indicating immediate measures taken to address it, and including information provided by any contractor and supervising entity. Further the PMU will appraise this to WB.

Labour Influx and Gender Based Violence

Project interventions on soil and water conservation structures, water harvesting and conveyance channels, plantation and nursery development, weed management, as well as rural infrastructure (manually operated pulley ropeways, small footbridges) will involve small scale construction contracts which will not be requiring labor camps as most of the labor is expected to come from nearby areas. Most of these works are going to be located away from habitations. Due to the small nature of the works, and short duration of the contracts, no labor camps and labor influx are expected. Project will be utilizing largely contract workers who will be employed through small, local contractors. Less than 10% of the contract labor is anticipated from other parts of the state, as well as from Bihar and Nepal.

More than 95% of the contract labor are going to be men, and women's participation as contract labor or community labor is going to be very low. GBV risk is assessed as low based on GBV risk assessment, secondary research and stakeholder consultations. Project implementation staff has adequate capacity to address the low level of GBV risks in the context of proposed project interventions. To mitigate potential risks related to on-site safety and GBV, the PMU will a) conduct sensitization and awareness campaigns for contract workers, community workers and beneficiary communities on safety, harassment, GBV-related issues, legal recourse procedures and mitigation channels; b) Train the project staff to on GBV risk mitigation; c) strengthen the GRM mechanism by establishing multiple channels to initiate a complaint including confidential reporting in local language with safe and ethical documenting of GBV cases; d) include GBV specific commitments in the bidding documents.

Contractors will need to maintain labour relations with local communities through a code of conduct (CoC). The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behaviour. The CoC will include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). The CoC will be written in plain language and signed by each worker to indicate that they have:

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

10. Age of Employment

The project will target eligible households having at least one adult of working age of 18 to 65 only to work in IP project interventions. However, age of participants will be verified during project interventions community based participatory planning. Such tools like Voters Registration Card (VRC), National ID will be used to verify age of participants and validated in the Village Assembly meeting. In the circumstances where these documents are not available the Affidavit of Birth will be used. Further, awareness raising sessions will be regularly conducted to the community to sensitize on prohibition and negative impacts of Child and forced Labour

The minimum age of employment for this project shall be 18 years and to ensure compliance, all employees will be required to produce Aadhar Cards as proof of their identity and age which is the national identification document required for employment.

If any contractor employs a person under the age of 18 years, that contractor's will not only be terminated by IP but also be reported to the authorities.

11. Terms and Conditions

There are three types of workers in the IP project:

- Civil Servants from the government
- Short Term Consultants.
- Contractors workers who will be working in the Project

The government officials are civil servants and their terms and conditions of employment are guided by National Legislations.

The contractor's workers will work on GPRMP activities. For this project, contractors will be required to provide all its employees with written of employment. Contractors

will also be required to comply with the most current Regulation of Wages for the Building and Construction Industry which is issued by the Government and reviewed on a regular basis. The Minimum Wage Act specifies the minimum wages, hours of work, overtime pay, leave entitlements, travelling and Subsistence Allowances and the issue of protective clothing.

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

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

As a monitoring mechanism, a contractor shall not be entitled to any payment unless he has filed, together with his claim for payment, a certificate: - a) stating whether any wages due to employees are in arrears; b) stating that all employment conditions of the contract are being complied with. The IP would intervene if the contractor defaults in the payment of wages due to any of its employees by arranging for the payment of the wages to the employee out of the sum payable to the contractor. However, for this project, it will be a material term of the contract to allow IP to withhold payment from contractor should the contractor not fulfil their payment obligation to their workers.

Worker's Organization

The IP provides employees with the right to join and form an organization for purpose of labour representation. These unions have the right to represent its members during hearings and to negotiate favourable terms and conditions for their members (annually) amongst other rights.

12. Grievance Mechanism

The Grievance Mechanism for Workers will be organised as follows.

For all worker related grievance, the Executive Director (ED), will be responsible for providing guidance and advice on all worker related grievances and their redressal, in line with the state and national legislation and the LMP.

For Project Workers, Deputy Director (Administration) will hold the overall responsibility for establishing, and implementing the GRM for project workers, and

reporting on it. In this, the Deputy Director will be supported by *Social Expert and the HR expert*

For Contract Workers. *Deputy Director (Planning/Procurement)* will be responsible for establishing and operationalising the contract workers grievance redress mechanism, especially focusing on contract workers engaged by contractors and subcontractors and will be supported in this by the SMS (procurement) as well as SMS (Social). S/He will also be responsible for tracking and resolving workers grievances. The DPO shall maintain records where grievances and complaints, including minutes of discussions, recommendations and resolutions made, will be recorded.

The Social Development Expert in SPMU will provide overall implementation and capacity building support on resolving all workers grievances and will support the Deputy Directors and the ED in this regard. S/HE will also include workers grievance status in the half yearly progress report on ESF. The Social Expert will work closely with the Procurement Expert and the SMS (communication, publicity and grievances) in implementing the LMP. The SMS (Social) will be assisted by a Social Extension Officer and short-term consultants and resource agencies who will be engaged for short periods of times throughout the project implementation period. SMS (social) will work with the SMS (*Procurement*) and SMS (*Communications and Grievance*) in addressing workers grievance.

At the district level, the District Project Officer (DPO) will be the nodal grievance officer for workers, who will report on the status of workers grievance in their respective districts. With the support of the district level monitoring officer. The DPO will be responsible for organising the training of workers and workers grievance management. The APOs and the Social Extension Officers (SEO) will support the DPO in resolving the workers grievances and help in training the contractors in this regard.

Elected Representatives of Gram Panchayats. The Elected Representative of the GPs will be sensitized to take up any workers related Grievances with the DPO and the SPMU and support the project in monitoring the contractor's performance on OHS and labour and working conditions.

Notification about the grievance mechanism will continue to be carried out through sensitization during the community sessions for all participants and through posters placed at GP centers. Grievances will continue to be received through established communication channels, however the main channel will be the projects hotline and the DPOs phone line. Workers will also be able to submit their grievances through the district Labour Department, whose contacts will be shared with all the contractors and worksites.

13. Contractor Management

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

Labour conditions: records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements;

Safety: recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth).

Workers: number of workers, indication of origin (local and migrant), gender, age with evidence that no child labour is involved, and skill level (unskilled, skilled, supervisory, professional, management).

Training/induction: dates, number of trainees, and topics.

Details of any security risks: details of risks the contractor may be exposed to while performing its work; the threats may come from third parties external to the project.

Worker grievances: details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken; grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

The following procedures are to be adhered to for contractor management, but have been adjusted to adhere to LMP provisions:

- Ensure that Contractors have valid contracts with clearly define service level agreement in accordance with all environmental and social clauses, as applicable
- Contractor induction to IP standards and LMP
- Monthly submission of records: Contractor submission to Project Management Unit, copied to Project Management Unit. This includes, managing incidents and accidents and Contractor employees recorded
- Monthly site visits (at a minimum) and reports
- Concerns or issues tracking using monitoring register
- Evaluation of contractor requirements. This includes training, OH&S files, certifications and other.
- Training needs identification recorded in Contractor Training Schedule
- Annual Contractor Management Plans

14. Community Workers

Project interventions on soil and water conservation structures, water harvesting and conveyance channels, plantation and nursery development, weed management, as well as rural infrastructure (manually operated pulley ropeways, small footbridges) will involve construction and civil works. These are going to be small scale construction contracts which will not be requiring labour camps as most of the labour is expected to come from nearby areas. Due to the small nature of the works, and short duration of the contracts, no labour camps are expected. Project will be utilizing largely contract workers who will be employed through small, local contractors. Community workers providing voluntary and unpaid labour is not expected. However, if community labour, will be utilised at a later stage, then the LMP and ESRS will be amended in line with the provisions of ESS2 for community labour (voluntariness, terms and conditions, community agreement, OHS etc.)

15. Primary Supply Workers

HPFD does not have any ongoing supply relationship with a primary supplier. Most of the key materials for these small-scale civil works will be procured by the local contractors from multiple sources, and not by HPFD. So, the child and forced labor risks associated with primary supply workers are assessed as low or not applicable. For any significant changes in project strategy on procurement, this issue will be reassessed, and necessary risk assessment will be initiated to address the risks covered under ESS2, and if needed, then LMP and ESRS will be amended in line with the provisions of ESS2 for primary supply workers (including child labour, bonded labour, terms and conditions, OHS etc.)