

**LABOR MANAGEMENT PROCEDURES
(LMP)**

**Prepared for
Afghanistan Water Supply and Sanitation Services and Institutional
Support
(AWSIS)**

**Afghanistan Urban Water Supply and Sanitation Corporation
(AUWSSC) Technical Directorate**

January 2020

**Islamic Republic of Afghanistan
Afghanistan Urban Water Supply and Sewerage Corporation
Afghanistan Water Supply and Sanitation Services and Institutional Support Program**

TABLE OF CONTENTS

1. INTRODUCTION	1
1.1 Project Background	1
1.2 Project Development Objectives	1
2. OVERVIEW OF LABOR USE ON THE PROJECT.....	1
2.1 Number and Characteristics of Project Workers	1
2.2 Timing of Labor Requirements	4
2.3 Labor Management Plans.....	4
3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS WITH MITIGATION MEASURES	4
2.4 Key Labor Risks.....	4
3.1 OHS of Labor related risks.....	7
4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS	8
5. LEGAL PROVISIONS: OCCUPATIONAL HEALTH AND SAFETY.....	11
6. RESPONSIBLE STAFF	13
7. POLICIES AND PROCEDURES	13
8. AGE OF EMPLOYMENT	14
9. TERMS AND CONDITIONS	15
10. GRIEVANCE REDRESS MECHANISM (GRM).....	17
11. CONTRACTOR MANAGEMENT	17
12. Community Workers	18

LIST OF ACRONYMS

ARTF	Afghanistan Reconstruction Trust Fund
AUWSSC	Afghanistan Urban Water Supply and Sewerage Corporation
AWSIP	Afghanistan Water Supply and Sanitation Services and Intuitional Support Program
BoQ	Bill of Quantity
CDC	Community Development Council
CSO	Civil Society Organization
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESSU	Environmental and Social Safeguards Unit
EHSG	Environmental Health and Safety Guidelines
GBV	Gender Based Violence
GoIRA	Government of Islamic Republic of Afghanistan
GRM	Grievance Redress Mechanism
GRC	Grievance Redress Committee
IDA	International Development Association
ILO	International Labor Organization
LMP	Labor Management Procedure
MoF	Ministry of Finance
MoLSA	Ministry of Labor, Social Affairs
OHS	Occupational Health and Safety
PDO	Project Development Objective
PIU	Project Implementation Unit
PIT	Project Implementation Team
SEA	Sexual Exploitation and Abuse
SoP	Series of Project
SBU	Strategic Business Unit
PPE	Personal Protective Equipment
WSH	Workplace Sexual Harassment
WB	World Bank
WTP	Water Treatment Plant

1. INTRODUCTION

This Labor Management Procedures (LMP) is developed by AUWSSC to manage all the labor related risks under the Afghanistan Water Supply and Sanitation Services and Intuitional Support Program (AWSIP). The LMP provide an overview of the project’s approach to meeting Afghan legislatives as well as the objectives of the World Bank’s Environmental and Social Framework (ESF) particularly objectives of Environmental and Social Standard 2: Labor and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4). The *Labor Management Plans* for the individual subproject will in due course be prepared by the relevant contractors and will be reviewed and cleared by the PIU as appropriate.

1.1 Project Background

The first of the series of projects (“SoP-1”, or “the Project”) will finance water supply infrastructure and capacity building to improve water services to Kandahar city. Kandahar is Afghanistan’s second largest metropolitan area with an estimated population of approximately one million people, although estimates range as high as 1.5 million. Kandahar is located in a highly drought-prone part of the country. The city’s current domestic water supply is entirely dependent on groundwater which is declining due to excess extraction. The city’s historic water infrastructure has deteriorated while demand has increased rapidly. The existing water network covers fewer than 8,000 households, while the vast majority of the population obtains water from private wells drawing from a shallow, unconfined aquifer which is depleting and contaminated due to the absence of a sewerage system, as several studies have shown.

To address the critical challenge of groundwater depletion and contamination, and to ensure safe provision of water to Kandahar, the use of treated surface water has been proposed as a sustainable source of supply. The most feasible source of surface water is the existing Dahla Dam reservoir on the Arghandab river located 30 km north of Kandahar city. An international consultancy firm has been hired to develop detailed designs based on an existing feasibility study. The project will finance the construction of a transmission pipeline from the existing Dahla Dam to a new water treatment plant (WTP) with associated booster station and service tanks, rehabilitation and extension of the existing network with up to 80,000 new house connections with the possibility of public standpipes. The initial focus of the project would be the rehabilitation of existing water system (pipes, pumps, and wells), followed by construction of the new conveyance, treatment and distribution infrastructure.

1.2 Project Development Objectives

The proposed Program Development Objectives (PDO) to improve access to and quality of water supply in Kandahar city, and to strengthen the performance of AUWSSC and in particular its Kandahar Strategic Business Unit (KnSBU).

2. OVERVIEW OF LABOR USE ON THE PROJECT

2.1 Number and Characteristics of Project Workers

The Project will consist of four components: Component 1 will finance infrastructure, including climate resilience measures; Component 2 will finance activities to support Sector Reform, institutional strengthening and capacity building; Component 3 is supporting Project Management and Monitoring; and Component 4 is a Contingent Emergency Response Component. The LMP is applicable on all

project workers such as full-time or part-time AUWSSC-PIU employees, contractors or construction workers, temporary/seasonal labors and migrant workers. The project activities sort three types of employment categories, these include:

- (i) *Direct workers* such as AUWSSC and PIU staff who will be directly engaged in the project activities throughout the project life.
- (ii) *Contracted workers* through third parties such as contractors, construction workers and consultancy firms for technical assistance in project management. Roles and responsibilities of some of workers in this category maybe corresponding to direct worker.
- (iii) *Primary supply workers* – people engaged by the borrower or construction / water supply companies and consultancy’s primary suppliers.
- (iv) *Community Workers [add]*

Similarly, there might be security workers who would mostly be government employees from Police and military forces.

The sections below provide detailed description of the type and number of labor to be engaged throughout the project life.

Component 1: Water Supply Infrastructure and Efficiency Improvements. This component will finance infrastructure solutions that will be simple and robust and will include climate resilience measures. This component includes the following sub-components.

- a. ***Sub-Component 1.1 – Bulk Water Transmission Pipeline and Water Treatment Plant:*** This sub-component will finance the construction of the bulk water transmission pipeline of approximately 30 kilometers length and 1500 mm diameter to convey water from the Dahla Dam to the new WTP¹. The project will also finance the construction of phase 1 of this WTP with a capacity of 150,000 cubic meters per day under the project. . In these project activities, a number of project engineers, design and technical specialists/consultants, centre-based monitors (*Direct Workers*) and a large number of construction labors from contractors (*Indirect/Contracted Workers*) will be involved. The bulk water transmission pipeline will pass through 50 identified peri-urban communities; therefore, *community workers* are also expected to be engaged. For this sub-component, the precise number of direct, contracted and community workers over the term of the project isn't yet known and is dependent on the final design.
- b. ***Sub-Component 1.2 – Water Supply System in Kandahar City:*** The project will finance the rehabilitation and expansion of the piped water network in urban Kandahar, making up to 80,000 new household connections and up to 1,000 standpipes. To further improve supply and bolster the population’s resilience to increasing water shortages, the Project will also finance the rehabilitation of the existing water supply system, wells, pipes and storage facilities.. Since activities of this sub-component are all construction related, therefore it will entail *direct workers* that includes project engineers, PIU M&E staff and *contracted workers* from the construction companies. The exact number of this component is also subject to the final design.

Component 2: Sector Reform, Institutional Strengthening, and Capacity Building. This component will strengthen the capacity of the national utility AUWSSC and the Kandahar SBU to deliver safe

¹ The size of the pipe and capacity of the WTP will be confirmed by the Detailed engineering design mid-2020.

drinking water to the population in a financially sustainable manner. This component includes the following 4 sub-components:

- a. Sub-Component 2.1 – Sector Reform and Strategic Planning;** includes preparation of the sector strategy, policies and regulation, and sector investment planning. This will include capacity building and knowledge and skills development of key stakeholders such as MoF, MEW and others based in Kabul (*direct workers*). Opportunities for water use efficiency will be identified and implemented, as well as policies and regulations such as a regulatory framework for private sector participation in service delivery.. Apart from the *direct workers of AUWSSC-PIU*, this sub-component will also depend on national and international technical advisors, experts / consultants both firms and individuals (*contracted workers*). Location of these workers will be based in Kabul and Kandahar.
- b. Sub-Component 2.2 – Improve Financial and Technical Performance of AUWSSC.** This includes consultancy services for designing a systematic approach to improve the operational and managerial performance of AUWSSC particularly Kandahar’s Strategic Business Units (KSBU). It will include support to optimize tariff setting, improve billing and collections, as well as the design and roll-out of systems and training to improve asset management and maintenance.. The institutional strengthening activities will also consider the potential role of the private sector, and where appropriate, seek to promote and enhance private sector participation for efficient and sustainable service delivery. This sub-component will also rely mostly on advisors, technical experts, and trainers both as firm and individual (*contracted workers*) and will be based in Kabul and Kandahar. Exact number of workers throughout project is not known and is subject to change.
- c. Sub-Component 2.3 – Improve Social Accountability of AUWSSC.** It will include: (i) effective consultations, (ii) establishing a functional GRM, (iii) and establishing a substantive interaction between beneficiaries and the government issue of project design and choice of option. A beneficiary satisfaction survey at selected sites will be carried out during the implementation stage. The project will also finance the development of measures to raise consumer awareness of water conservation, and mainstream operational and emergency plans for demand management during drought periods. This sub-component will mostly be managed by the social safeguards staff of AUWSSC based in Kandahar (*direct workers*) and surveys will be conduct by *primary workers* hired by consultants and/or AUWSSC. Number of workers is not defined so far.
- d. Sub-Component 2.4 – Preparation of feasibility studies and engineering designs for the second project.** It includes identifying water supply and sewerage infrastructure and institutional investments. This sub-component will be managed by design engineers of Kabul based AUWSSP (*direct worker*) and in need further technical assistance; consultancy services will be sought out (*contracted workers*). Number of workers is not yet identified and is subject to change.

Component 3: Project Management and Monitoring. This component will support the Project Coordination Team (PCT) hosted within AUWSSC and the Project Implementation Unit (PIU) hosted within AUWSSC and Project Implementation Team (PIT) in Kandahar’s SBU that will coordinate, implement, monitor and report on the project. Management execution of this sub-component will be carried out by staff of AUWSSC-PIU both in Kabul and Kandahar (*direct workers*), PIT and Kandahar’s SBU staff (*primary supply workers*).

Component 4: Contingent Emergency Response Component. This component will improve the GoIRA’s ability to respond effectively in the event of an emergency in line with World Bank procedures on disaster prevention and preparedness. Following an eligible crisis or emergency, the recipient may request to the Bank to re-allocate projects funds to support emergency response and reconstruction. The

type and number of workers for this component is not clear until the state of emergency or crisis is defined.

Given the nature of the project workforce (mostly unskilled and semiskilled construction labor) and characteristics of the labor market in Afghanistan, it is likely that the workforce, especially the lower-skilled workers, will be predominantly male. Female workers are expected in AUWSSC main office in Kabul and PIU in Kandahar. The expectation is that the majority of labor will be locally hired with the exception of a few skilled workers. Provisions will be made to train and hire as many as possible from local communities where the project activities are taking place.

2.2 Timing of Labor Requirements

The direct workers will generally be required to work full time and around the year for the project duration. Workers contracted for civil works will be required to work as per the need. Construction season typically lasts from March to October in Kandahar, however can be longer or shorter depending on weather conditions. Therefore, it will be up to the contractor to mobilize labor force to correspond with the type of work and the season. Daily working hours should not exceed 8 hours for normal and 10 hours in case of overtime. Further details of timing will be explained in labor management plans of sub-projects.

2.3 Labor Management Plans

Detailed Labor Management Plans will be prepared by contractors and construction companies per the recommendations made in this LMP and as part of the contractor's ESMP. Activity specific Labor Management Plan will include further details of types and number of employed labor and timing in addition to detailed provisions for work camp facilities and code of conduct for labors. These plans will be reviewed and approved by the consultants and PIU as appropriate. Role and responsibilities of the contractors in overall labor management and implementation of Labor Management Plans will be reflected in the bid documents including the assignment of supervision engineer to oversee the implementation of labor management plans, labor influx risks, Occupation Health and Safety, incidents and accidents issues, GBV risks and access of workers to the GRM system.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS WITH MITIGATION MEASURES

2.4 Key Labor Risks

The project's key labor risks are determined to be related to the hazardous work environment, associated injury, and labor influx. Based on current sector circumstances, the risk of child or forced labor is estimated to be insignificant and is already addressed in the Afghan Law. No children will be employed by the project- it is essential to note that minimum age (15) for work (Article 13 of Labor law of Afghanistan), and the minimum Age (18) for hazardous Work (Article 13 and 120 of Labor Law. Key labor risks associated to the project and mitigation measures are outlined in the Table 1 below.

Table 1: Key Labor Risks and Mitigation Measures

S/No	Activities to be Considered	Expected Risks	Mitigation Measures
1	Employment and working conditions	<ul style="list-style-type: none"> • Violation of national labor law concerning employment of child and forced labors • Lack of equal pay for men and women • Discrimination in recruitment and employment (keeping a balanced approach to recruit local employees and IDPs and returnees will be a significant challenge) • No formal work contract • Lack of disability insurance • Lack of adherence to official work hours • Insufficient work camp facilities for the labors 	<ul style="list-style-type: none"> • During employment age will be checked on the national identity card (Tazkira). The Labor Law 2007 defines minimum age of workers should be 18 years and children between 15 & 17 may be employed if the work is not likely to be hazardous or interfere with the child’s education or be harmful to the child’s health or physical, mental, spiritual, moral or social development. The labor law 2007 also prohibit any kind of forced labor which meet the ESS2 requirements. • Detailed labor management plans and C-ESMPs should be prepared for individual sub-components where all the mentioned expected risks will be outlined and monitored regularly. These plans should also consider balance in recruitment of IDPs, refugees and local communities to ensure an inclusive employment environment for all. • Awareness raising sessions to be conducted among all relevant stakeholders and labors regarding child labor and forced labor. • The contractor should have a file for every employed labor, that should include the personal details, tazkira and a formal contract that summarizes his/her legal labor rights and amount of daily/monthly wages. • The E&S specialist and the supervision engineer will monitor adherence to site specific Labor Management Plan • The LMP and site-specific labor management plans should include minimum work camp facilities requirements for the labors to be provided

2	Grievance Redress Mechanism	<ul style="list-style-type: none"> • Non-functionality of GRM • Lack of awareness about GRM 	<ul style="list-style-type: none"> • A comprehensive and all-inclusive GRM should be prepared (The project GRM should have a separate GRC for workers with specific expertise of GRC members • Proper GRM awareness for all layers of employees should be carried out • Complaint box should be easily accessible to all workers in construction site • Hotline numbers should be active during business hours • Confidentiality should be taken seriously in filing complaints in order to gain trust and ensure transparent implementation • Immediate action should be taken in case of serious issues.
3	Recruitment Policy for Contracted Workers	<ul style="list-style-type: none"> • Local communities excluded from employment opportunities that may lead to social conflict • Nepotism, ethnic discrimination and corruption in recruitment process 	<ul style="list-style-type: none"> • For all unskilled daily wage labor, elders of local communities and CDCs should be consulted. • All the skilled contracted workers should be recruited through open, non-discriminatory and transparent processes. • The priority should be given to local employment, if they are able to fulfill the job requirements
4	Occupational Health and Safety (OHS) plans	<ul style="list-style-type: none"> • No OHS plan • No certified OHS specialist permanently on site. • Serious accidents and fatalities due to lack of adequate OHS measures. 	<ul style="list-style-type: none"> • Every contractor is required to have a project specific and detailed OHS plan and should ensure its proper implementation. • A qualified OHS representative should take care of all OHS related risks and its mitigation measures. • All workers should be trained in OHS aspects, toolbox meetings by qualified OHS representative • Safety equipment-Personal Protective Equipment (PPE) will be provided to all labors as relevant dependent on safety risks of the tasks to be performed

			<ul style="list-style-type: none"> • First aid kits should be available on-site in the labor camp.
5	Labor Camp Management	<ul style="list-style-type: none"> • Violation of local cultural values and customs, especially by the labors and construction companies. • Lack of adequate facilities at labor camp (potable water, sanitation and other facilities) • Social unrest and associated risk of GBV resulting from labor camp (workplace sexual harassment -WSH) and labor influx risk. • Labor influx risks as some of the skilled workers might be engaged from outside of the project area of influence. 	<ul style="list-style-type: none"> • Labors should be educated about the local cultural sensitivities • Non-local skilled labor should be aware of the customs and values of the project area • The camp for the external specialized staff (including national staff) should be located far from any local community. • Workers should be provided with proper living facilities such as clean water and basic hygiene facilities, electricity etc. in the construction camp • Labor Camp Management Plan in place as per national and international standards and the WB ESF. • All workers are subject to a Code of Conduct, incl. orientation regarding Workplace Sexual Harassment (WSH), Sexual Exploitation and Abuse (SEA), GBV and shall receive orientation regarding GRM options. • Contractors will follow Labor Influx management guideline in the ESM to develop Labor influx risks management plans where there are significant number of labors involved from outside of the project area

3.1 OHS of Labor related risks

OHS related risks are low to moderate and will depend on the type of subproject works to be implemented. Though, considering that the majority of contracted workers are unskilled and untrained locals, there is still a risk that some accidents may result in injuries. Such as, injuries related during excavation for pipe or building storages. All contractors will be required to develop and enforce written site and sub-project specific Labor Management Plans as per ESS2 specifications, including guidelines for establishing and maintaining a safe working environment. Mitigation of labor related risks will naturally depend on the specific sub-component and will be covered in detail in the specific C-ESMP and its Labor Management Plan.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

4.1 National acts, laws and regulations relevant to the project are, among others: Labor Law 2007; Environmental Act, 2007; Water Law, 2009; Interim Environmental Impact Assessment Regulations.

4.2 The **Labor Law (2007)** sets a legal foundation for safe and decent working conditions in Afghanistan. Key relevant provisions provide guidance around non-discrimination in recruitment (Art. 9), compliance with international conventions (Art. 12), working hours (Art. 30), breaks (Art. 40), non-discrimination in payment (Art. 59), and special provisions for female and youth workers (Art. 121, 127-130), over-time pay, night shift differentials and retirement benefits.

4.3 Articles and clauses that are related to the project and LMP

Table 2: Relevant Articles from National Labor Regulations

National Labor regulation and standards	Legislation	Illustration of relevant content (non-comprehensive)
	Labor Law (2007)	<ul style="list-style-type: none"> • <u>Article 4</u>: <i>Compulsory work is prohibited. Work becomes compulsory when the worker is threatened to do it or when a job against the rules and regulations of the organization and against the will of the worker is to be performed by the worker, is called a compulsory piece of work.</i> • <u>Article 9</u> <i>There should be no discrimination in recruiting a person, paying the salaries and the allowances to the staff;</i> • <u>Article 12</u> <i>entails compliance with the international convention of ILO to which Afghanistan ratify or plans to ratify;</i> • <u>Article 30</u> <i>explains working hours and specifies that the normal working week should be 40 hours;</i> • <u>Article 40</u> <i>Prayer and lunch break is for one hour that is not included in the official working time it is regulated by the internal rules of the organization.</i> • <u>Article 79</u> <i>entails that during training period, normal daily wages should be paid to the employees;</i> • <u>Article 91</u> <i>in the chapter on Labor Norms and Discipline states the general obligations of the employer, which include ensuring labor safety and security at work;</i> • <u>Article 92</u> <i>lists the obligations of employees, which include following safety rules and practicing working environment hygiene;</i> • <u>Article 107</u> <i>requires the employer to ensure safe and hygienic working conditions;</i> • <u>Article 110</u> <i>to follow legislated safety and hygiene standards;</i> • <u>Article 111</u> <i>obliges the employer to provide continuous safety training and the employee to follow safety rules,</i>

		<p>standards and instructions and utilize personal protective equipment;</p> <ul style="list-style-type: none"> • <u>Article 113</u> requires the employers to conduct medical examinations for workers who are involved in driving vehicles and machineries, deal with water supply installations and requests the employer to provide all necessary protection clothing and personal protective equipment, free of charge; • <u>Article 114</u> compels the employer to provide for first aid and for transfer to medical centers in case of accidents; • <u>Article 121</u> prohibits assigning female or youth workers to night duties; • <u>Article 128</u> defines periodic medical checkup of youth workers to determine their fitness for the assigned task;
<p>National Labor Policy 2017 – 2020</p>	<p>Labor policy</p>	<p>Specific objectives of the National Labor Policy are to:</p> <ul style="list-style-type: none"> • Improve legislation environment and working conditions by establishment and enforcement of laws, regulations and standards. • Facilitate the establishment and functioning of representative and democratic unions of workers, and of employers; encourage social dialogue and collective bargaining for determining work related matters and settling issues by the industrial partners. • Facilitate the creation of equal opportunities of productive employment to all Afghans of working age regardless of gender, ethnicity and religion. • Enhance the employability and productivity of the country’s workforce by increasing its capabilities through public and private skills development. • Strengthen the role and partnership of the private sector, as a key driver of national development, in labor related planning and decision-making to achieve optimal labor market outcomes. • Facilitate and regulate the migration and employment of Afghan workers abroad and of foreign workers in the country, and assist with the effective reintegration of Afghan returnees.

4.4 Non-discrimination: No person shall be entitled to discrimination in employment on the basis of gender, ethnicity, religion, age, disability, nationality, political opinion, or social group, including recruitment, pay, promotion, training, or dismissal.

4.5 Employment Relationship: Employers shall adopt and abide by employment rules and conditions that respect workers and, at a minimum, safeguard their rights in accordance with national and international labor and social security laws and regulations. Wages for workers shall be followed in accordance with government policy and the existing market rate.

4.6 Forced Labor: Forced labor, including prison labor, servitude labor, bonded labor or other forms of forced labor, shall not be used.

4.7 Freedom of Association and Collective Bargaining: Employers shall recognize and respect workers' right to freedom of association and collective bargaining.

4.8 Harassment or Abuse: Every employee shall be treated with respect and integrity. No worker shall be subjected to any bullying or violence, physical, sexual, emotional or verbal harassment.

4.9 In addition, Afghanistan has ratified a number of international treaties and conventions on labor-related conventions of the ILO. These include the following – the *Equal Remuneration Convention 1951*, the *1957 Abolition of Forced Labor Convention*, the *1999 Worst Forms of Child Labor Convention*, and the *Tripartite Consultation (International Labor Standards) Convention*.²

Table 3: Afghanistan’s ratification of relevant ILO Conventions

	Convention	Afghanistan³
1	Equal Remuneration Convention, 1951 (No. 100)	In Force (ratified 1969)
2	Abolition of Forced Labor Convention, 1957 (No. 105)	In Force (ratified 1963)
3	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	In Force (ratified 1969)
4	Minimum Age Convention, 1973 (No. 138) <i>Minimum age specified: 15 years</i>	In Force (ratified 2010)
5	Worst Forms of Child Labor Convention, 1999 (No. 182)	In Force (ratified 2010) 2014: MoLSA announced a List of Prohibited Jobs for Child Laborers (Labor Code 41,42)
6	Night Work (Women) Convention (Revised), 1948 (No. 89)	Abrogated by decision of the International Labor Conference at its 106th Session (2017)
7	Night Work (Women) Convention, 1919 (No. 4)	Abrogated by decision of the International Labor Conference at its 106th Session (2017)
8	Equal Remuneration Convention, 1951 (No. 100)	In Force

² ILO - “Ratification for Afghanistan,”

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102945.

³ https://www.ilo.org/dyn/normlex/en/f?p=1000:11110:0::NO:11110:P11110_COUNTRY_ID:102945

9	Underground Work (Women) Convention, 1935 (No. 45)	In Force
10	Protection of Wages Convention, 1949 (No. 95)	In Force
11	Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	In Force
12	Dock Work Convention, 1973 (No. 137)	In Force (ratified 1979)
13	Occupational Cancer Convention, 1974 (No. 139)	In Force
14	Paid Educational Leave Convention, 1974 (No. 140)	In Force
15	Human Resources Development Convention, 1975 (No. 142)	In Force (ratified 1979)
16	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	In Force (ratified 2010)

5. LEGAL PROVISIONS: OCCUPATIONAL HEALTH AND SAFETY

5.1 Occupational Health and Safety is also addressed by the Labor Law. Chapter 10 of the Law narrates the roles and responsibilities of employers and employees related to occupational health and safety. The Labor Law also provide guidelines on safety training, hygiene laws, protective equipment and medical treatment where appropriate, benefits for health insurance, and shortened standard work weeks for pregnant and nursing mothers and children.

5.2 AWSIP is Committed to:

- Comply with legislation and other applicable requirements which relate to the AUWSSC occupational health and safety risks.
- Continuously improve the OHS management system and enhance its performance.
- Encourage participation in OHS risk mitigation through promotion of related staff knowledge sharing and skill development.

5.3 The legislation obliges employers to provide personal protective clothing or and supplies to workers exposed to dirty, dusty, wet, disruptive or any environments that might subject employees to rough or hazardous conditions. Workers shall be trained to carry out their work in order to avoid exposure to danger or injury and to be informed of any known hazards or illnesses associated with their work. Below are some of the measures that the Implementer/Contractor will take to prevent any danger or to minimize the risk for the worker’s safety and for the safety of their workplace.

- Provision of proper safety and emergency regulations for the prevention of fire, traffic, workplace and other accidents.
- Work and rest times will be allocated.
- Training of workers in their jobs and safe methods of work.
- Proper warning signs and hazardous site marking at all work sites.
- Provision of Personal Protective Equipment (PPE) including helmets, safety boots, goggles and dust masks etc.
- Provision of clean drinking water, appropriate and clean toilets applying international standards (number of workers per washroom and toilet) shall be readily available for workers/staff at all construction sites. Where needed separate washrooms and toilet for female and male workers.
- Availability of fire extinguishers equipment at site and workers should be trained about the use of fire extinguisher.
- Consumption of any type of drugs during work hours and at worksite should be strictly prohibited.
- Supply of stretchers and first aid boxes, together with rescue facilities at site.
- Immediate Root Cause Analysis of any serious accident or fatality.
- Bring to the prompt attention of the top management any health and safety issue that requires their attention.
- Reporting to the World Bank within 24 hours of any fatality or serious accident.

5.4 Warning Devices: In order to notify the labors of any potential hazardous security threats from project works, warning devices such as danger and warning signs, audible warning devices such as sirens, lights and illumination and strobe lights will be installed.

5.5 OHS Safety Training/Orientation: A series of training and refresher trainings will be provided to all employees and other parties physically engaged in the project implementation. The training will include awareness on potential hazards, lifesaving techniques, emergency preparedness and procedures for fire, and basic refuge measures during a terrorist attack and natural disasters.

5.6 Medical Examination of Employees

According to article 13 of National Labor – 2007; “*The employees and personnel of food material industries, public catering establishments, transaction of food materials, as well as the **workers and personnel of water supply installations**, must undergo the medical examinations provided for in paragraph 1 of this article in order to safeguard public health and hygiene*”. Those workers who are directly involved construction and installation of water supply facilities are required to present medical fitness / clearance during employment time. Contractors’ OHS representative will be responsible to ensure the medical clearance of such workers.

5.7 M&E and Reporting of Subprojects Performance and Implementation of OHS.

OHS measures and appropriate implementation should be monitored by the ESS unit of PIU on a regular base. Site engineers and OHS / safety focal point will report to the PIU. Also, there will be a third party monitoring to ensure proper and effective OHS implementation.

5.8 OHS Concerns Mainstreamed in Contractual Documents of the relevant Subprojects.

The relevant clauses related to occupational health and safety concerns should be part of bidding and contract documents.

5.9 Reporting Incidents. In case of any mishap the OHS/LMP focal point should immediately report the incident to the relevant project director. The focal point should give OHS training to all newly recruited workers and refresher orientation to all workers.

6. RESPONSIBLE STAFF

AUWSSC's Environmental and Social Specialists has the overall responsibility to supervise the implementation of the Labor Management Plan, particularly to ensure contractor(s) developed and implemented site-specific Labor Management plans.

Subsequently, the contractor is responsible for managing in accordance with contract-specific Labor Management Plans, the implementation of which will be monitored on a regular basis by a Supervision Engineer, the responsibility for the adequate implementation of the LMP will be his/her responsibility. Contractor(s) Labor Management Plan will be subject to review by the WB and can be a stand-alone document or a part of the site-specific ESMP that will be publicly disclosed.

Direct workers, in particular project staff and civil servants of the PIU/AUWSSC will be engaged and managed through the AUWSSC's own institutional structures. The project director will be responsible for managing and engaging technical consultants procured under the project, with day-to-day support from technical focal points. The project staff at KSBU will be managed/supervised by the Provincial manager of KSBU.

Contracted labor, e.g. for construction work, will primarily be recruited locally by the Supervision Engineer.

Training of Workers: It is necessary that all workers are aware of the nature of the project, their legal rights, GRM, GBV and health and safety measures. It is contractor's responsibility to provide all necessary trainings to their workers. Since there will be consistent variation of labor influx due to change of location of project activities, training to newly recruited staff will be carried out on regular basis by the contractor.

Supervision engineer and OHS specialists will be responsible for overseeing **occupational health and safety (OHS)** at each of the sites.

Addressing Worker Grievances: There will be an active GRM that will be operational throughout the project life. In case of any workers related grievance, the contractor is required to maintain the procedure for grievance recording. The social safeguards unit of PIU will review records of grievances on monthly basis and address any pending issues immediately. In addition to that, a Grievance Handling Officer maybe hired by the project to take care of grievance records and proper GRM functionality.

7. POLICIES AND PROCEDURES

7.1 As set out in the Labor Law, project workers' jobs will be based on non-discrimination laws and equal opportunities. There will be no discrimination regarding any aspects of the employment relationship including recruitment, working conditions compensation, and terms of employment, access

to training, promotion or termination of employment. AUWSSC will incorporate such standardized social clauses in the BOQ/tender documentation and contract documents so that the potential bidders are aware of the social / labor performance requirement.

7.2 No forced and under-aged labor will be engaged by AUWSSC, Contractors, Suppliers, sub-contractor or any stakeholder in any circumstance. Forced labor includes bonded labor, excessive notice period, retaining worker's identity, limitations of freedom of movement and substantial fines, physical punishment, under high unpayable debt or any other condition where the project worker is compelled to work in a non-voluntary basis.

7.3 Occupational Health and Safety:

AUWSSC is dedicated to:

- i. Comply with OHS related legislation and other, related applicable requirement.
- ii. Ensure transparent recruitment process that is open with respect to ethnicity, religion, disability or gender.
- iii. Enable active involvement in OHS risk elimination by promoting adequate hazard skills, knowledge and attitudes.
- iv. Continuously improving the process and efficiency of OHS implementation.
- v. Make this policy statement available to all interested parties at all AUWSSC sites and facilities.

7.4 Under current rules of AUWSSC the contractors are required to have at least one occupational health and safety representative for the worksite. The representative must:

- vi. Conduct regular OHS training to workers
- vii. Identify any potential hazard
- viii. In case of an accident, investigate the cause and report the PIU
- ix. Ensure that all the workers are taking the required safety measures during workhours.
- x. Ensure availability of first aid box at worksite.

AUWSSC will conduct regular monitoring to ensure proper OHS implementation. The OHS representative will be responsible to provide regular reports to ESS unit of PIU.

7.5 Gender Based Violence

The contractor is required to address the risk of gender based violence by providing training and awareness raising sessions for the workers to refrain from any unacceptable conduct towards local community members, particularly women. Moreover, the contractor is obliged to inform their workers about the legal consequences and punishment by law of sexual harassment and gender based violence.

In addition, the above statement, each of the contractor and construction companies shall include GBV prevention to their labor management plans.

8. AGE OF EMPLOYMENT

8.1 According to Article 13 of National Labor Law – 2007, the minimum age for work is 15 years. Individuals between ages of 15-17 are allowed to work only if the work is not harmful to them. For other works including hazardous work, minimum age is 18 years (*Article 13 and 120 of Labor Law*). All components will adhere to the Afghan Labor Law and its **definition** of minimum age. Age of

workers will be confirmed through their national identity card/tazkera at the moment of recruitment.

8.2 As per the guidelines set in the paragraph 17, 18 and 19 in ESS2 of the World Bank's Environmental and Social Framework, a child under the age of 18 maybe employed in certain conditions. The conditions are if the work is not hazardous, do not interfere with child's education and is not harmful to child's physical and mental health.

Hence, keeping the WB standards and Afghan Law in practice the minimum age of employment for this project will be 15 years for non-hazardous works.

8.3 Over Age Labors: No person over the age of 65 should be employed for hazardous and harsh work. For construction related works, the worker's health condition and fitness should be visually inspected by the Site Manager before employing them.

9. TERMS AND CONDITIONS

Terms and conditions of this LMP will be applicable as per Afghan Labor Law and the relevant conditions in the AUWSSC ESMF. This internal labor procedure will apply to all AUWSSC employees who are assigned to work for the project (*direct workers*).

9.1 Contracts of the direct workers are defined by the Afghan Labor Law since they are directly hired by the government. Terms and conditions of part-time direct workers are determined by their individual contracts.

9.2 Terms and conditions for contracted workers by consultants and construction agencies shall be reflected in their HR Policies and contracts which will be reviewed by AUWSSC regarding their compliance with the WB's ESF and national labor law.

9.3 For migrant workers the terms and conditions shall be reflected in the HR Policies of the contractor and contracts which will be reviewed by the AUWSSC regarding their compliance with the WB's ESF and National Labor Law.

9.4 Hours of Work: The Article 30 of National Labor Law of Afghanistan states that "*ordinary working period, on average, during the course of the year can be no more than 40 hours per week*". In case of overtime the regular work week shall not exceed 48 hours. For youths between 15-18 years the working hours should be 35 hours per week. Workers shall be allowed at least 24 hours of rest in every one-week period. All overtime work shall be consensual and should not exceed 10 hours per day and six days a week. Employers shall not request overtime on a regular basis and shall compensate all overtime work at a premium rate. Also, for workers engaged in certain hazardous and dangerous activities should be limited to 30 hours a week (Article 31, National Labor Law).

9.5 Labor Camp Facilities: The contractor is required to provide all necessary labor camp facilities to their workers. The facilities should include clean residential spaces, hygiene and sanitation facilities, safe drinking water, basic medical assistance etc. Moreover, the contractor is required to prepare a Labor Management Plan which should recommend that all labor management plans require detailed provisions of labor camp facilities.

9.6 Compensation: The Government of Afghanistan strictly prohibits the exploitation of labors. Every worker has a right to compensation for a regular work week that is sufficient to meet the

worker's basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any marginal benefits required by law or contract. Moreover, the workers should be allowed to bargain for daily wage works and their compensation should be paid on-time.

10. GRIEVANCE REDRESS MECHANISM (GRM)

10.1 In any working conditions it is necessary for both employees and employers to be familiar with their work-related legal rights, the grievance mechanism and filing complaints and follow up. The project will have a functional GRM that will be consistent with the ESS2. The environmental and social safeguards unit of PIU will conduct initial GRM awareness sessions among all direct staff of AUWSSC both in Kabul and Kandahar PIU. Thereafter, the relevant staff will be directed to transfer the knowledge further to their relevant sub-ordinates and offices. Also, a GRM awareness session will be organized on field level where contracted staff and primary staff both from the project and the contractors will be trained on different aspects of GRM. The GRM will be applicable to all types of labor including direct, contracted and primary employees. The GRM will have Grievance Redress Committees (GRC) at three levels. It will also be further detailed in the GRM document, respective C-ESMPs and Labor Management Plans.

10.2 For labor related grievances, the GRCs structure at different project level will be as follows:

- i. Local or community level GRC: members should include: (i) community representatives, labors (ii) grievance focal point, (iii) contractor/construction company
- ii. Sub-Project level GRC: members include: (i) PIU-AUWSSC, (ii) representative of local district governor; (iii) representative of CSO; (iv) grievance focal point; (v) local community/affected people; (vi) labor representatives/labor association and (vii) contractor/construction companies' representatives.
- iii. Ministry level GRC: (i) AUWSSC' top management (head), (ii) senior official from MEW (iii) PIU manager, (iv) Grievance focal officer, (v) community representative, (vi) government commission, labor representatives/ labor association, (vii) office of the provincial governor and (viii) representatives of higher authority from relevant stakeholder.

10.3 The costs of operating the GRM are usually modest and should be financed by the project as part of the general project management costs.

11. CONTRACTOR MANAGEMENT

AUWSSC ensures that contractors Monitor, keep records and report on terms and conditions related to labor management. The contractor must provide workers with evidence of all payments made, including other benefits, pension contributions or other entitlements regardless of the worker being engaged on a specific contract, full-time, part-time or temporarily/daily wages. The application of this requirement will be proportionate to the activities and to the size of the contract(s), in a manner acceptable to AUWSSC and the World Bank. The contractor will have to provide details of data/records on (i) Labor conditions (ii) Labor Safety (iii) Workers details including number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child labor is involved, and skill level e.g. skilled/unskilled, supervisory, professional, (iv) Details of any security risks (v) Worker grievances and follow-up yet to be taken. In addition to these AUWSSC is also responsible to consider below point;

11.1 AUWSSC needs contractors to track, document and report the terms and condition on labor management procedures.

11.2 Construction and other contracts will include labor related provision and occupational health and safety requirements as given in the ESF document of the World Bank Afghan Labor Law.

11.3 The contractor must provide documentation of all payments made to employees, including welfare benefits or other entitlements, irrespective of whether the employee is direct (full-time, part-time), contracted, primary or seasonal.

11.4 AUWSSC will manage and track contractor's output regarding contracted workers. It will focus on contractors' compliance with their contractual agreements (obligations, contracts, and warranties) and labor management procedures. This may include regular reviews, assessments, spot checks of project locations and work sites, as well as documentation and reports from contractors on LMP implementation.

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

- i. Representative samples of employment contracts or arrangements between third parties and contracted workers.
- ii. Records relating to grievances received and their resolution.
- iii. Reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions.
- iv. Records relating to incidents of non-compliance with national law.
- v. Records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

12. Community Workers

The project will involve community workers throughout its construction phase. Component 1 of the project is comprised of construction work starting from Dahla dam to the Kandahar city. This will include excavation for pipe network and building water storage facilities. This LMP focuses on contractors and the project itself to prioritize the local communities for unskilled labor. The first benefit of recruiting local workers is that the community trust is gained, second is that most of the locals will be living in nearby communities so the transport problem is tackled and lastly the locals will help in sustaining security around the project site.

Terms and condition for local workers will be as is outlined in the project specific labor management plans and C-ESMP. Once recruited, local workers will be treated the same as rest of the skilled or migrant workers. It is clear that there will be no discrimination among workers based on their ethnicity, language, religion, colour, race or gender.

Since community workers will be hired through a source of community development council or village elders, their complaints and grievances will first be addressed by local GRC that includes CDC head and village elder. In case of serious issues, the GRM channel will be used and the issue will be escalated to the next level of GRC.

Appendix 1: Written Particulars of Employment
(WRITTEN PARTICULARS OF EMPLOYMENT)

1. Name of Employer.
2. Name of Employee
.....
3. Date Employment began
.....
4. Wage and Method of Calculation
.....
5. Interval at which wages are paid
.....
6. Normal Hours of work
.....
7. Short description of employee’s work
8. Probation Period
.....
9. Annual Holiday Entitlement
.....
10. Paid Public Holiday
.....
11. Payment during sickness
.....
12. Maternity Leave (if employee female)
.....
13. Nursing Break Entitlement (for female employee)
.....
14. Notice employee entitled to receive
.....
15. Notice employer required to give
.....
16. Pension Schedule, Provident Fund Gratuity Schedule etc. (if any, other)
17. Any other matter either party wishes to include
.....

Notes:

(a) An employee is free to join a union or staff association, which is recognized by the undertaking. The address of the Labor Association is:
.....

(b) The grievance procedure and disciplinary procedure in this undertaking requires to be followed when a grievance arises or disciplinary action that needs to be taken.
.....

Employer’s signature _____ Witness _____

Employee’s signature _____ Witness _____

Date _____ Date _____

Appendix 2: Contractors EHS File Monitoring Form (AUWSSC)

Contractor Name;

Depot;

Instructions; Tick (√) if available, put a cross(X) if unavailable. Tick (√) if there was activity, put a cross(X) if there was no activity. Tick (√) if there's evidence, put a cross(X) if there's no evidence. Make a Comment according to the changes that have taken place as reflected by availability, activity and evidence on each SHE item.

No.	Monthly Checklist: EHS items	Available	Activity	Evidence	Comment
1	Valid Working Contract				
2	Current Employee List (skilled/nonskilled etc.)				
3	Copy of ID/Tazkera (per employee)				
4	Appointment letters				
5	Mandatory Qualification?				
6	Previous experience of EHS compliances?				
7	Understanding of Resources, roles, responsibilities & authority				
8	Exposed to the trainings (check evidence)				
9	EHS- Certificate?				
10	First Aid Certificate?				
11	PPE: Properly worn at all times?				
12	Internal communication; minutes available?				
13	First Aid Kit available and usage of the form				
14	Fire extinguisher is valid				
15	Labor resting area cleanliness is up-to mark				
16	Emergency evacuation rout/map in place				
17	Assembly area				
18	Daily record and log book are in place				
19	Any other				

EHS Rep.

Name Signature.....

Date compiled Contractor.....

Signature Date _____

Compiled by.....

Appendix 3: First Aid Box Contents Checklist

ITEMS IN THE FIRST AID BOX

Checked by.....

Month and Year

Work Station.....

No.	Item	Quantity Specified	Quantity present In the Box	Comment
1	Adhesive Elastic Plaster			
2	Roller Bandages-confirming 100mm			
3	Roller Bandages-confirming 75mm			
4	CPR Mouth peace			
5	Cotton wool 50gm			
6	Fabric Roll plaster 25x3M			
7	First Aid Dressing 75x100mm			
8	First Aid Dressing 150x200mm			
9	Forceps 10cm			
10	Gauze Swabs 75mm x 75mm			
11	Gauze Swabs 75mm x 75mm sterilized			
12	Tunicates			
13	Hypoallergenic Adhesive Tap 25mmx3M			
14	Safety Pins Bunch x12			
15	Scissors-10cm			
16	Splinter Straight			
17	Triangular Bandages			
19	Povidone Solution			
20	Wound Cleaner			

Note:

Respective department should regularly replenish contents
 Any deficiencies should be reported to the Safety (OHS) Officer or AUWSSC Representative