**UPGRADING OF KOBOKO-YUMBE-MOYO ROAD 105KM**

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**LABOUR MANAGEMENT PLAN**

**June, 2020**

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INTRODUCTION

Project Description

The Government of Uganda has been promised a financing grant from the World Bank to support its refugee resettlement programme. For decades, Uganda has been hosting refugees and asylum seekers from many conflict-affected countries in its neighbor-hood such as Democratic Republic of Congo (DRC), Somalia, South Sudan, Rwanda, Eritrea, and Burundi. Refugees in Uganda are either self-settled or live in organized settlements set aside by the Government of Uganda. Currently, Uganda hosts up to about 1.5 million refugees originating from mostly South Sudan and the Democratic Republic of Congo. The Government of Uganda, through the Uganda National Roads Authority, to undertake a Detailed Engineering Design for the Upgrading to Bituminous standards of Koboko–Yumbe–Moyo road (approx. 105km)starting at Koboko near the Uganda–DRC international border linking Koboko, Yumbe, and Moyo districts to Moyo near the South Sudan Border.

This is a gravel road carrying medium traffic volume that originates from Koboko town (a town about 45km from Arua town) traverses through Yumbe and Moyo districts to Moyo town, for about 105 km. Currently the road is made of a 7.0m wide carriage way that snakes through a rolling terrain to Moyo. The road crosses a number of major rivers (4No.), one of which has recently been provided with a multi-span bridge. This road traverses a number of refugee camps settlements in Northern Uganda, that is, Imvepi, Bidibidi, Lobule, and Palorinya refugee settlement camps before reaching the end node in Moyo.

**Project justification**

The planned upgrading of this road segment is expected to alleviate the transport situation in this region. Currently, the road is a gravel carrying medium traffic volume and has a 7.0m wide carriageway that snakes through a rolling terrain to Moyo town. The road along its various sections has been subjected to varying degrees of damage due to rapid increase in big and heavy transportation vehicles serving the refugee settlements.

In addition, the transport infrastructure in the refugee hosting districts needs improvement. The gravel roads that provide critical connectivity to these areas are unable cope with the growing traffic. Often, heavy trucks laden with supplies are delayed because of the poor condition of the roads or inadequate bridges. There are several humanitarian initiatives that are being undertaken in these areas by the GoU and international organizations, but these need to be supported with an all-weather transport infrastructure. The GoU is therefore keen to improve transport connectivity in these refugee hosting areas starting with improvement of the main trunk road of Koboko-Yumbe-Moyo to enhance access, facilitate delivery of supplies, and benefit both refugees and host communities.

This road corridor is in the Northern part of the country where most of the refugee settlements are located. It traverses the Bidibidi (the biggest refugee settlement), the Lobule, and the Palorinya refugee settlements. This road will certainly directly alleviate a major portion of the transport challenges of this region. In addition, this road corridor also connects the countries of DRC and South Sudan through Republic of Uganda, and can provide an alternate route (redundant) to reach the northern part of the country (especially the Districts of Moyo and Yumbe which have a number of refugee settlements) from Kampala and many other parts of the country in case of non-operation of ferry services on the river Nile for any reason.

The Labor Management Plan

The Labor Management Plan (LMP) has been developed to manage labor risks during the implementation of the Koboko-Yumbe–Moyo Road project. The LMP is in line with national requirements as well as the objectives of the World Bank’s Environmental and Social Framework, specifically objectives of Environmental and Socials Standard 2: Labor and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4). The Project’s Environmental and Social Assessment identified potential risks and impacts associated with Project implementation, associated with workers as well as community health and safety.

Linkages with other plans

The Plan has to be read alongside the Contractor’s Environmental and Social Management Plan (CESMP) as well as:

1. ***Emergency Response Management Plan (ERMP):*** Emergency Response Plan (ERMP) is to provide a systematic approach to the protection of employees, assets and the environment from impact of serious incidents. It encompasses organizing, coordinating and implementing a range of procedures to prevent, mitigate, respond to and recover from the consequences of an emergency event. It is designed to be address all incidents, regardless of nature, severity, or location, thus, will avert a minor incident from becoming a disaster, save lives, prevent injuries and minimize damage to property and the environment.
2. ***Traffic Management Plan***:
3. ***Security Management Plan***:
4. ***Occupational Health and Safety Management Plan***: which takes care of the safety and health of the workforce while in the project.
5. ***Waste Management Plan:*** This Hazardous Materials Management Plan defines the minimum requirements for hazardous materials management and monitoring and is applicable to the construction and operational phases of the project.
6. ***Workers Accommodation Plan:*** Describes the requirements and expectations in terms of compliance, reporting, roles, supervision and training with respect to labor and working conditions, including camp/accommodation. To the extent that contractor can exert influence over its supply chain, the principles in this Plan will also apply.
7. ***Gender Violence Based Action Plan:*** The GBV Action Plan details the operational measures that will be put in place to assess and mitigate the risks of gender-based violence, including sexual exploitation and abuse (SEA) and sexual harassment that are project related and how they will be integrated over the life of the project. This includes procedures for preventing and responding to SEA/SH including managing these grievances.
8. ***Stakeholder Engagement Plan (SEP):*** The SEP describes the stakeholder identification and prioritization, engagement approaches and strategies for the national, regional and local stakeholders during the detailed studies for RAP and ESIA, as well as their implementation. It is therefore an instrument for mapping and prioritizing stakeholders across levels and regions; for guiding planned consultations and disclosure of relevant project information to/with identified stakeholders during the RAP and ESIA studies, as well as at road project implementation.
9. ***Waste Management Plan***; In that, people working environment should be clean and health which provided in the Constitution of the republic of Uganda as one of the fundamental rights and equally provided in the National Environment Act of 2019;
10. ***Hazardous Materials Management Plan***: The Hazardous Materials Management Plan defines the minimum requirements for hazardous materials management and monitoring and is applicable to the construction and operational phases of the project; and
11. ***Physical Cultural Resources Management Plan/Chance Finds Procedures:***

Linkages with other Plans

The Labor Management Plan has linkages with the following Plans in this Project:

1. ***Occupational Safety and Health Plan*** which takes care of the safety and health of the workforce while in the project;
2. ***Accommodation Management Plan:***
3. ***Emergency Preparedness Plan:*** The Emergency Preparedness Plan address issues of emergencies in the operations of the road project including in labor management.

Project Approach to Labor and Working Conditions Management Plan

Koboko-Yumbe-Moyo road upgrading project is a linear one which will involve the mobilization and recruitment of a large number of employees during a limited period of time. Assuring good labour and working conditions for all persons whom will be engaged during the planned road upgrading implementation process is of high priority for Uganda National Roads Authority (UNRA). The majority of employees will belong to the contractor(s) or their sub-contractors. Still, UNRA principles related to labor and working conditions will have to be implemented by all parties engaged in the road project implementation. The accommodation will be the responsibility of the Contractor(s), which will have to draft their own plan in this regard, in compliance to the national and international legislation and norms, but also to the current Labor Management Plan.

The LMP represents an instrument that guides the Constructor(s), regarding their compliance with biding documentations, in order to:

1. respect labour and working conditions for all their employees and the employees of their sub-contractors;
2. respect social and environmental conditions on sites and on work front;
3. promote workers’ conditions and rules for health, safety and security;
4. promote workers positive behaviour on the pipe route settlements; and
5. reduce negative impact of the Project.

In particular, the provision of this Plan shall meet national legislation and international good practice in relation, but not restricted, to the following:

Provision of all rights for all workers as envisaged in the national legislation

1. All workers belonging to contractors and/or sub-contractors (and all other third parties) should be legally registered;
2. Development of a worker registration system that enables UNRA and Contractor to keep track of all workers on each site and to identify the person (organization) for whom they are directly working;
3. Each contractor/sub-contractor should develop a register for all their workers. This register should contain data such as: ame, age, sex, hours worked, wages, payments (including overtime payments) made and any deductions made from their wages. The register should be in line with national requirements on registration of workers;
4. Establishing a coherent and integrated grievance mechanism for all workers engaged in the Koboko-Yumbe-Moyo road project (from UNRA, its contractors and their sub-contractors);
5. Development of a workers’ accommodation plan that should consider aspects such as:
6. the provision of minimum amounts of space, heating, ventilation for each worker;
7. provision of sanitary, laundry and cooking facilities and potable water;
8. the location of accommodation in relation to the workplace;
9. any health, fire safety or other hazards or disturbances and local facilities;
10. the provision of first aid and medical facilities;

There are several stages to the process of addressing issues raised by workers’ accommodation.

These are:

1. assessing whether housing is needed for the project and if so, what sort;
2. assessing impacts on local communities and planning mitigation of potential negative impacts;
3. awareness of the national and local regulatory framework;
4. determining the standards to apply to the location of facilities, the construction of housing and provision of facilities; and
5. managing accommodation.

Purpose

This Labour Force Management Plan (LMFP) has been prepared by to comply with the minimum Government of Uganda and International Labour Standards, which include:

1. Freedom of association and collective bargaining;
2. Non-discrimination and equality of opportunity;
3. Freedom from child labour;
4. Freedom from forced labour;
5. Retrenchment of which the core requirement of which is to have a retrenchment plan based on consultation and non-discrimination;
6. Working relations which should include documentation and communication of conditions;
7. Working conditions which should comply with collective bargains or, where these are not in place, national law minimums on matters such as pay, hours, etc.;
8. Grievance mechanisms whereby an appropriate procedure must be in place for workers; and,
9. Human resource policy whereby the Contractor is expected to have a human resource policy in place.

UNRA will ensure that the management of all employees working on the road project including those who are indirectly employed:

1. Complies with Ugandan law and meets the requirements of the International Finance Corporation (IFC) Performance Standards;
2. Optimises the benefits associated with construction employment; and,
3. Mitigates where possible any negative impacts that might occur as a result of construction employment or subsequent retrenchment.

This LFMP seeks to achieve the above objectives through clear and manageable plans and procedures, underpinned by the explicit guiding principles detailed below. This LFMP is applicable across Koboko-Yumbe-Moyo 105km entire direct and indirectly-employed workforce (i.e. subcontractors), at all skill levels working on the road project development and implementation.

Organization

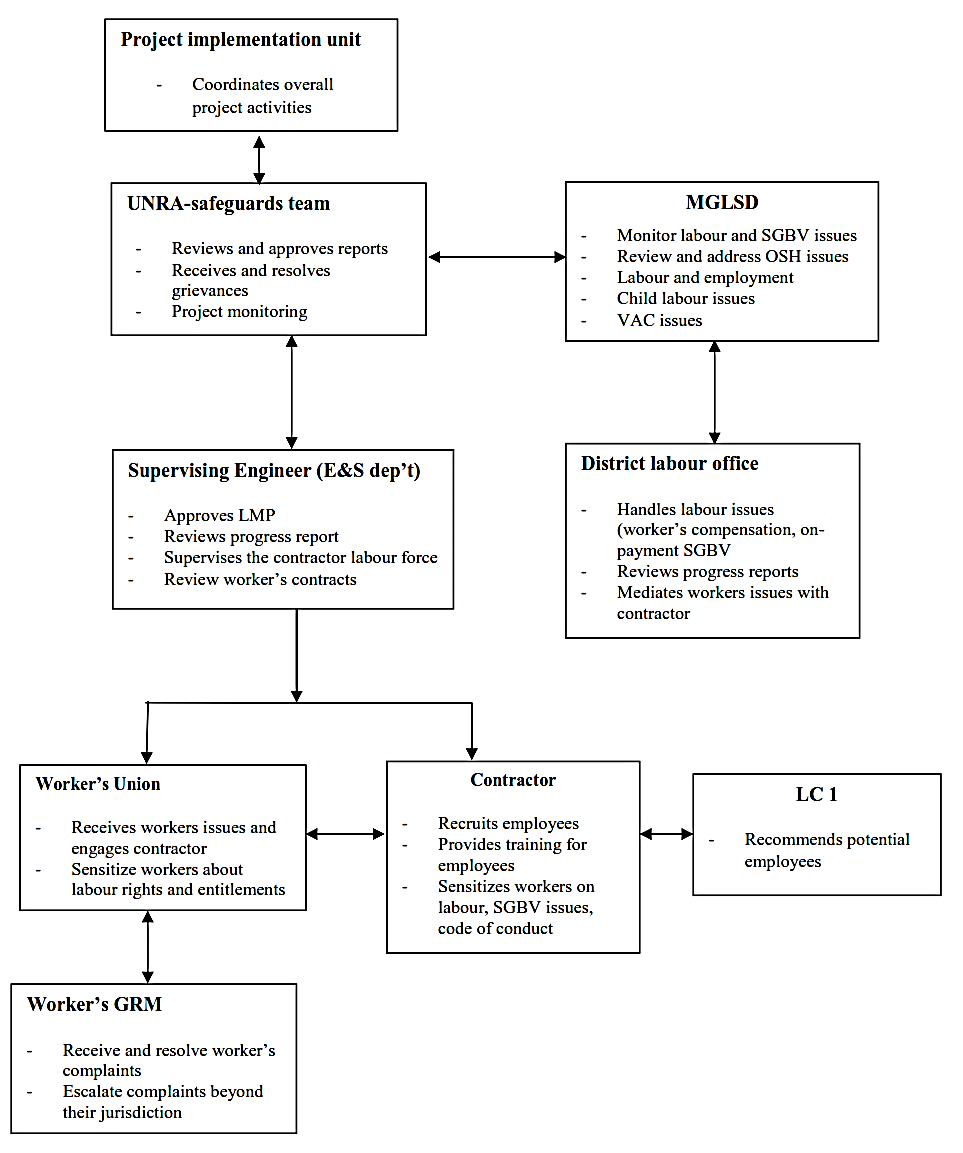
**Roles and Responsibilities**

As indicated in Figure 1, the following job descriptions are examples of the type of roles that will apply during the production phase. As the needs of the Project change over time, some roles may be replaced by others that are more appropriate to the Project’s needs at the time.

Ideally, the project Human Resource department will be responsible for managing and implementing employment policies, guidelines and procedures, including equal opportunity employment. Their role ensures compliance with Government of Uganda (GoU) labor laws with respect to recruitment and management and termination of engagement. Its other key responsibilities include the management of:

* 1. Industrial relations
  2. Workplace grievance program
  3. Working hours’ expectations
  4. Remuneration and payroll
  5. Contractor Human Resources management
  6. Workforce demobilization

As the needs of the Project change over time, a number of roles may be replaced by others more appropriate to the Project’s needs at the time. The operationalization of the LMP can be summed as in **Figure *1*** herein.



**Figure 1: Schematic Representation of LMP structure**

Policy, Legal and Institutional FNRA o-Yumbe-Moyo km ramework

**Policy Framework**

These policy/Guidelines Framework apply to this Plan:

1. ***The National Environment Management Policy, 1994:*** The overall policy goal is sustainable development, which maintains and promotes environmental quality and resource productivity for socio-economic transformation;
2. ***Uganda Vision 2040:*** According to Vision 2040, for Uganda to shift from a peasantry to an industrialized and largely urban society, it must be propelled by improved transport system;
3. ***The National Environment Health Policy 2010:*** This policy establishes the environmental health priorities of the Government of Uganda and provides a framework for the development of services and programmes at national and local government levels;
4. ***National Policy on Elimination of Gender Based violence, 2016:*** The policy emphasizes early intervention to prevent re-victimization of and long-term effects for girls, including interpersonal violence, sexual coercion, alcohol and drug abuse and mental health problems; Reporting cases of violence against children immediately;
5. ***National Policy on HIV/AIDS and the world of work, 2007:*** The policy obliges developing entities to mainstream HIV/AIDS interventions to their planned development interventions;
6. ***The National Policy for Older Persons 2009:*** The Policy promotes and contributes to the attainment of the development goals. This policy informs other policies, programmes and sectoral plans. It will provide a framework for:
7. Enhancing the recognition of the roles, contributions and potentials of older persons in the development process;
8. Strengthening the informal and formal community-based support systems and actions for older persons’ dignity;
9. ***The National Equal Opportunities Policy 2006***: The goal of the National Equal Opportunities policy is to provide avenues where individuals and groups’ potentials are put to maximum use by availing equal opportunities and affirmative action.
10. ***Uganda Gender Policy 2007:*** The Uganda Gender Policy mandates the Ministry of Gender, Labor and Social Development and other line Ministries to mainstream gender in all sectors.
11. ***National Policy on Disability 2006:*** The National Policy on Disability in Uganda aims at promoting equal opportunities for enhanced empowerment, participation and protection of rights of PWDs irrespective of gender, age and type of disability.
12. ***The National Orphans and other Vulnerable Children’s Policy 2004:*** The Policy focuses on full development and realization of rights of orphans and other vulnerable children. Specifically, to ensure that the legal, policy, and institutional framework for child protection is developed and strengthened at all levels and that, orphans, vulnerable children and their families access basic essential services package as well as ensuring that, resources for interventions that benefit orphans and other vulnerable children are mobilized and efficiently utilized.
13. ***Transport sector policy:*** Furthermore, to give transport modal linkage, the sub-sector has four supplementary policies of which one is on environment which provides that, the government will ensure an optimum and sustainable road network and bridge stock that balances traffic needs against safety and environmental demands; and
14. ***MoWT General Specifications for Roads and Bridge Works (2005)*** Section 1800**:** Occupational Health and Safety, HIV/AIDS and Gender.

**Legal Framework**

The following apply:

1. ***The Uganda Constitution of the Republic of Uganda, 1995:*** The Constitution obliges citizens to maintain clean and healthy environment without endangering human health and the environment;
2. ***The National Environment Act, 2019:*** Specifically, the Act provides that, every person in Uganda has a right to a clean and healthy environment in accordance with the Constitution and the principles of sustainable development. A person may, where the right referred to herein above is threatened as a result of an act or omission by any person which has/is likely to cause harm to human health or the environment take a legal process against the person whose act or omission has/or is likely to cause harm to human health or the environment;
3. ***The Uganda National Roads Authority (General) Regulations, 2017*** in its Article 37 provides for traffic management during road construction or maintenance i.e. a contractor shall ensure proper traffic management and safety during construction and maintenance works on a national road and shall comply with the Safety at Road Works Code of Practice issued by the Authority. Furthermore, the Regulations provides that, a person carrying out works or maintaining a national road shall manage the works efficiently to ensure that safety is not compromised and that disruption is minimized.

In addition, person carrying out works on a national road shall:

1. put in place road signage to warn, inform and direct road users;
2. put in place convenience areas for workers with specific regard to gender and persons with disabilities; and
3. Provide safety equipment for the workers on site.
4. ***Employment Act of 2006:*** The Employment Act is the governing legal statutory instrument for the recruitment, contracting, deployment, remuneration, repatriation, management and compensation of workers.
5. ***Public Health Act Cap.281:*** Part IX Sanitation and Housing: No person shall cause a nuisance, or shall suffer to exist on any land or premises owned or occupied by him or her or of which he/she is in charge, any nuisance or other condition liable to be injurious or dangerous to health.
6. ***Workers compensation Act of 2000:*** The Act outlines matters of compensation for injuries and accidents as well as the responsibility of employees to take care of their health, health and safety while on the project.
7. ***Occupational Safety and Health Act of 2006;*** The Occupational Safety and Health Act of 2006 makes provisions for the health, safety, welfare and appropriate training of persons employed in workplaces.
8. ***The Employment Act of 2006:*** The Employment is the governing legal statutory instrument for the recruitment, contracting, deployment, remuneration, management and compensation of workers. This Act provides for matters governing individual employment relationships in terms of circumstances of provision of labor.

**Institutional Framework**

The following are some of the key institutions in the implementation of this Plan. They are:

1. Uganda National Roads Authority-UNRA
2. National Environment Management Authority-NEMA
3. Ministry of Gender, Labor and Social Development- MoGLSD:
4. National Organization of Trade Unions-NOTU
5. Contractors as well as their sub-contractors.

**World Bank/IFC Safeguards Standards**

They include:

1. ***ESS2 Labor and Working Conditions:*** This Standard obliges the Developer (UNRA) to develop and implement written labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national laws.
2. ***ESS4 Environment and Social Framework on Community Health and Safety:*** The Standard puts emphasis on community exposure to risks and impacts of project and includes road safety risks; risks associated with security personnel as well as addressing water-related, communicable and non-communicable diseases that can result from projects activities and have impact on project labor as well as the community; and
3. ***IFC Performance Standard 2:*** Recognizes that, the pursuit of economic growth through employment creation and income generation should be accompanied by protection of the fundamental1 rights of workers.

OVERVIEW OF LABOR USE ON THE PROJECT

The Labor Management Plan (LMP) applies to project workers including full-time, part-time, temporary, migrant workers[[1]](#footnote-1) etc. The LMP is applicable, per ESS2 to the project in the following manner:

1. people employed or engaged directly by the Contractor (including the project proponent and the project implementing agencies) to work specifically in relation to the project *(direct workers);*
2. people employed or engaged through third parties to perform work related to core of the project, regardless of location (contracted workers);

This section describes the following, based on available information:

1. ***Number of Project Workers***: The total number of workers to be employed on the project, and the different types of workers: direct workers, contracted workers and community workers.
2. ***Characteristics of Project Workers***: To the extent possible, a broad description and an indication of the likely characteristics of the project workers e.g. local workers, national or international migrants, female workers, workers between the minimum age and 18.
3. ***Timing of Labor Requirements***: The timing and sequencing of labor requirements in terms of numbers, locations, types of jobs and skills required.
4. ***Contracted Workers***: The anticipated or known contracting structure for the project, with numbers and types of contractors/subcontractors and the likely number of project workers to be employed or engaged by each contractor/subcontractor. If it is likely that project workers will be engaged through brokers or agents, this should be noted together with an estimate how many workers are expected to be recruited in this way.
5. ***Migrant Workers***: If it is likely that migrant workers (either domestic or international) are expected to work on the project, this should be documented.

ILO Principles

Within this LFMP nine labour standards are addressed. The first four of these are stated in the Declaration on Fundamental Principles and Rights at Work adopted by the International Labour Organization (“ILO”) in 1998. Unlike an international labour convention that binds only members that ratify it, the Declaration applies automatically to all countries that have accepted the ILO Constitution. This means that the project to respect, promote and realize these four fundamental standards outlined below:

1. Freedom of Association and the effective recognition of the right to collective bargaining;
2. Elimination of all forms of forced or compulsory labour;
3. Effective abolition of child labour; and,
4. Elimination of discrimination in respect of employment and occupation.

In addition to these standards, the road project will ensure to recognize the action points that cover five further standards based on other international conventions of the ILO and on provisions contained in regional and national law including:

1. Health and safety including HIV/AIDS prevention;
2. Wages to be paid in full and on time, to meet legal minima and be sufficient for basic needs;
3. Paying for hourly workers, working hours to be limited, and overtime;
4. No repeated casualization to avoid meeting wages and other legal benefits; and,
5. Ensuring that relevant social security regimes to be applied.

Procedure

The Koboko-Yumbe-Moyo is committed to safeguarding worker rights and will implement good practice in relation to labour and working conditions of the road. This LFMP contains the human resource policies and procedures that will be implemented by the project. The following presents the minimum requirements for the hiring and treatment of employees and non-employee workers of the BIP. The requirements discussed in this plan apply to the project commitments during the project implementation as in the project ESIA. The Contractor will document a separate LFMP drafted to suit its organization and specific construction activity.

The following sections outline principles and measures that will be taken to address each of the standards and policies outlined above.

Employment/Labour requirements

The construction works for the road project will require a number of employees for its various works though details of the specific labor needs will be clearer during works. It is estimated that, about 550 workers will be recruited in the project for its various works and these to include:

1. Civil engineers,
2. works supervisors,
3. Human resource managers;
4. Clerks of works
5. Laborers;
6. Security
7. Laboratory staff

Other staff shall include

1. **Skilled Workers (Total ~ 270 no.)**
2. Drivers (90 no.)
3. Masons (30 no.)
4. Carpenters (10 no.)
5. Operators (60 no.)
6. Technicians (60 no.)
7. Admin staff (15 no.)
8. Foremen (10 no.)
9. Mechanics (40 no.)
10. Welders (10 no.)

**Unskilled Workers (Total ~ 280 no.)**

1. Casual Labourers (200 no.)
2. Cleaners (20 no.)
3. Kitchen (5 no.)
4. Traffic Control (50 no.)
5. Among Skilled – 10 no. (Female)
6. Among Unskilled – 60 no. (Female)

***Estimated from similar road works project.***

**Availability of labour**

Depending on the availability of the human resources in the surrounding area, majority of the employment opportunities, where possible, will be provided to the people in the nearby villages.

Details of specific job opportunities will be released and information provided on application procedures.

1. **Unskilled labour force** - the Contractor will be instructed to place emphasis the labour force within the project area to minimize on the labour force immigration into the project area.
2. **Skilled labour** – the Contractor/Consultant will be advised to follow a recruitment procedure that places emphasis on Ugandans. Foreign workers will only be allowed where there is a skills deficiency on the national market. The Contractor/Consultant will have to demonstrate this deficiency. The CONTRACT recommendations on labour force will also be employed where necessary.
3. **Refugee workers** – will be employed on condition that they possess the appropriate GOU/UN approval or clearance to work.

This work on the project will be ring-fenced specifically for ladies only:

1. Flag ladies
2. Catering
3. Cleaning and General Hygiene

The other positions will be competed for fairly. However, during the recruitment process, ladies will be encouraged to apply, and will be given be special preference (e.g. a special mark will be added to lady applicants).

Freedom of Association

The project will need to recognize the freedom of its employees and those of its sub-contractors to be able to participate in collective bargaining agreements. Workers shall be allowed to establish and join work-based organizations if they wish to negotiate wages and other working conditions.

The Ugandan Labour Unions Act (2006) regulates the establishment, registration and management of labour unions and provides for other related matters. The Government of Uganda Labour Disputes (Arbitration and Settlement) Act, 2006, outlines the process for the resolution of disputes with regard to Labour. ILO conventions C87-Freedom of Association and Protection of the Right to Organise 1948; C98- Right to Organise and Collective Bargaining 1949; and C135 -Workers Representatives Convention 1971 will apply.

Equality of Treatment

The ILO conventions to be applied include the C 100 -Equal Remuneration 1951; and C111-Discrimination (Employment and Occupation 1958) Conventions. Discrimination means denying someone a job or training on the basis of a factor, which does not affect their ability to perform that job. For example, because they are from a particular region, ethnic group, or because they are women. In practice discrimination is often justified in terms of culture, e.g. “our women like to carry concrete”, implying they will not be considered for other jobs. Such an attitude is discriminatory if it results in limiting employment opportunities for a particular group.

The Project is committed to ensuring that men and women hired for work receive equal rates of pay for equal types of work. It will not discriminate in its hiring and employment practices on any basis of sex, race, culture, religion, sexual orientation, or other aspect as per ILO convention.

All workplaces including site work points will have gender segregated facilities. For example

1. Separate Toilets/Washrooms
2. Separate Dressing Rooms/Locker Rooms
3. PPE Gear – specifically designed for women

The Clinic will stock and provide sanitary pads/towels in addition to the other medications specifically for ladies’ menstruation. *To be provided freely to all women workers.*

Wages

ILO standards deal with the issue of wage protection: Protection of Wages Convention (No. 95) and Recommendation (No. 85). They also deal with protection of workers' claims in case of their employer's bankruptcy or judicial liquidation: Protection of Workers' Claims (Employer's Insolvency) Convention (No. 173) and Recommendation (No. 180). Where there is a current national minimum wage, this wage can be used as a standard. However, high inflation may mean that the rate is out of date. In this case, the rate agreed in the relevant collective agreement should be applied. If there is no such agreement, the rate used by a similar company known for good practice may be an alternative reference point. The Contractor will ensure that Wages are paid in cash, not in kind in accordance to ILO Convention (ILO conventions C131–Minimum Wage Fixing Convention; C95- Protection of Wages Convention 1949); the contractor will further display notices to inform workers about their contract condition in accordance to C94 -Labour Clauses on Public Contracts.

The Contractor will determine Wages in accordance to The Minimum Wages Advisory Boards and Wages Councils Act, Cap. 221 established by the Government of Uganda that provides for the establishment of minimum wages advisory boards and wage councils for the regulation of the remuneration and conditions of employment and employees.

**Minimum Wages**

The Contractor will establish rates of wages and observe conditions equitable to those established for the trade or industry where the work is carried out. In the absence of trade or industry-established rates of wages or conditions of labour, shall pay rates of wages and observe conditions of labour which are equitable to the general level of wages and conditions observed by other employers engaged in trades or industries similar to those of the road project.

**Timeliness of Payment**

Section 10 of the Minimum Wages Advisory Boards and Wages Councils Act, Cap. 221 established by the Government of Uganda establishes the timing for the payment of wages. The project will pay employees promptly and regularly at the customary intervals and ensure that all employees are paid in full.

Working Hours

The Contractor will employ both salary and non-salary staff. The provisions below apply mainly to non-salary staff being paid on an hourly basis.

National law specifies the working week, – but it is usually 40–42 hours. Overtime should be paid above this rate according to the national legal formula. Regulations should ensure that the use of task-based/piecework do not lead to self-exploitation and workers having to spend longer hours than specified in the legislation (ILO conventions C14–Weekly Rest (Industry) 1921, C1-Hours of Work (Industry) 1919, also C47).

Due to the nature of the large infrastructure construction project, its employees will be required to perform overtime work. Hours of work will be compliant with the Ugandan Employment Act 2006, Section (53), and subsection (4):

Subsection (5) states that where persons are employed in shifts, it shall be permissible to employ persons in excess of 10 hours in any one day, or 48 hours in any one week, where the average number of hours over the period of 3 weeks exceeds neither 10 hours per day for 56 hours per week.

Where employees are required to work overtime, and in the absence of other accommodations, they will be compensated in compliance with Section (53), subsection (8) of the Ugandan Employee Act (2006).

It will ensure that work for the road project is not carried out on locally recognized days of rest and public holidays and all recognized festivals, and religious or other customs, except when work is unavoidable or previously scheduled with amenable staff. Where employees are required to work on public holidays they will be remunerated or otherwise compensated consistent with Section 54 of the Ugandan Employee Act (2006). The provisions of this paragraph shall not be applicable in the case of any work which is carried out in multiple shifts which may include night shifts.

Health and Safety

The contractor will be committed to the safety of its employees and non-employee workers at the worksite and will operate in collaboration with and to the requirements of the local health authorities. In addition, the Contractor will have to prepare a Health and Safety Management Plan which outlines specific health and safety related policies and procedures to be followed during the construction phase of the Koboko-Yumbe-Moyo road project.

The Contractor will comply with the Government of Uganda’s Workers’ Compensation Act, 2000 which outlines the compensation to workers for injuries suffered and Scheduled diseases incurred during the course of employment.

UNRA recognizes the importance that workplace must be safe and without risk of injury to employees. Ugandan regulations require basic protective clothing for construction including proper foot protection, overalls where needed, protective gloves, and raincoats for wet weather work.

UNRA alongside contractor’s health and safety policies will comply with applicable provisions of the Ugandan Occupational Safety and Health Act, 2006, as well as applicable ILO clauses C155- Occupational Health and Safety 1981; C167–Safety and Health in Construction 1988, and ILO Code of Practice on Safety and Health in Construction 1992 which covers safety and health planning, co-ordination and compliance.

Clothing and Personal Protective Equipment

In accordance with Section 19 of the Uganda Occupational Safety and Health Act, 2006, the contractor will provide and equip all employees with the appropriate personal protective equipment (PPE) to adequately protect them from hazards associated with their specific occupation. The Contractor or his sub-contractor will ensure that all PPE including protective clothing and equipment purchased for use by its employers is manufactured to such a nationally and internationally recognized standard as to ensure adequate protection against injury and accident. The contractor will also ensure that any sub-contractors involved with the construction phase of the BIP provide the appropriate level of PPE to their employees.

First Aid

In accordance with Section 55(1-8) of the Uganda Occupational Health and Safety Act of 2006, the contractor will provide and maintain adequate first aid facilities appropriate to the conditions of work being undertaken for the BIP. Scale of first aid facilities will be related to the size of the job. In the event of a medical emergency, the contractor will also make arrangements to evacuate injured persons to a health centre.

Measures against Insect and Pest Nuisance

The road project management will be committed to taking the necessary precautions to protect all employees and non-employee workers on the worksite from insect nuisance, rats and other pests and reduce the dangers to health and the general nuisance occasioned by the same. It will comply with all the regulations of the local health authorities in these respects and shall in particular arrange to spray thoroughly with approved insecticide all buildings erected on the worksite. Such treatment will be carried out at least once a year or as instructed by local health authorities. The project management will warn its employees and non-employee workers through signage and orientation training of the dangers of water borne diseases and wild animals. Expatriate workers will be given the access to appropriate preventative medications and vaccines.

Epidemics

In the event of any outbreak of illness of an epidemic nature, the road project will comply with and carry out such regulations, orders and requirements as may be made by the Government, World Health Organization or the local medical or sanitary authorities, for the purpose of dealing with and overcoming the epidemic.

Burial of the Dead

The road project will make all necessary arrangements for the transport, to any place as required for burial, of any of his expatriate employees or members of their families who may die in Uganda. The contractor will also assist with appropriate arrangements with regard to burial of any of its local employees who may die while engaged in work for the road project.

Accident or Injury to Workers

Except as required by Ugandan Law, contractor will not be liable for or in respect of any damages or compensation payable to any employee, other than death or injury resulting from any act or default of, his agents or servants.

Reporting of Accidents

The Contractor will ensure any sub-contracts established with non-employee workers for the Koboko-Yumbe-Moyo road project will outline the responsibilities to report to appropriate project staff the details of any accident as soon as possible after its occurrence. In the case of any fatality or serious accident, contractor would ensure that the sub-contractors are aware of the importance to notify the contractor immediately by the quickest available means following an accident (Ref. to HSMP).

Records of Safety and Health

The contractor will maintain safety and health records and make reports concerning safety, health and welfare of persons and damage available to the appropriate authorities.

Amenities

In accordance with Section 50 of the Uganda OSHA, 2006, contractor will in so far as is reasonably practicable, having regard to local conditions, provide on the worksite an adequate supply of potable and non-potable drinking water for the use of his employees and non-employee workers.

In accordance with Section 49 of the Uganda OSHA, 2006, the contractor will provide and maintain adequate sanitary latrine accommodation for the use of the employees and non-employee workers for the interconnection project and shall keep the whole of the facility and latrines in a clean and sanitary condition in accordance with the requirements of the Health Authorities of the Government.

In accordance with Section 54 of the Uganda OSHA, 2006, contractor shall provide suitable facilities appropriately furnished for the consumption of food.

With respect to expatriate workers, the project shall provide and maintain such accommodation and amenities as may be considered necessary for employees or non-employee workers employed for the purposes of or in connection with the BIP.

Engagement of Labour

The contractor’s preference is to employ local staff where possible and with the required qualifications and experience. The project will make arrangements for the engagement of expatriate labour and for the housing, health, welfare and repatriation of the same. Contractor will be responsible for the return of expatriates to the place where they were recruited following the termination of their employment.

The Contractor will comply with the applicable provisions of ILO policies regarding avoidance of forced labour. The contractor may from time to time employ casual/temporary labour for the BIP. Contractor will keep records to include information on casual/temporary labour and intends to avoid long term status of casual workers.

No Employment of Children

The ILO definition of a child is a person of 14 years of age or under. If hazardous work is involved, then the minimum age is 18 years. Applicable conventions adopted by the ILO to be applied include C138 -Minimum Age 1973; and C182-Worst Forms of Child Labour 1999.

In accordance with the Ugandan Employment Act (2006) Section 32, contractor will forbid the employment of anyone under the age of 18. Ugandan Law forbids the employment of any child under the age of 12 or under the age of 14 unless it is light work, does not interfere with schooling and only under the direct supervision of a person age 18 or over.

Records

Section 18 of the Minimum Wages Advisory Boards and Wages Councils Act, Cap. 221 established by the Government of Uganda addresses record and notice requirements for employers where a wages regulation order applies. Section 21 of this act addresses penalties for false entries or records. Section (50) of the Ugandan Employment Act stipulates the requirement of the employer to provide pay statements.

The Contractor will keep proper records of the time worked by every employee engaged on the BIP irrespective of the employee’s method of payment (hourly or salary), the class of work on which employed and the wages paid. The project will also keep proper records for every employee engaged, their gender, the class of work in which employed, whether as a casual or permanent employee, and the wages (and allowances if any), paid in accordance with Ugandan regulations. These records will be available at any time for inspection by authorized lender representative or authorised representative of the government. The Contractor will produce, if required, other records that may be necessary to provide evidence of their compliance with the requirements of this paragraph.

OTHER ISSUES WITH RESPECT TO LMP IN KYM ROAD PROJECT

No Alcoholic Liquor, Drugs, and Firearms

The contractor will not import, sell, give, barter or otherwise dispose of any alcoholic liquor or illegal drugs, or permit or suffer any such importation, sale, gift, barter or disposal by its employees, labour or contractors. The Contractor will not give, barter or otherwise dispose of any arms or ammunition of any kind or permit or suffer any such action by its employees, labour or contractors.

Festivals and Religious Customs

In all dealings with his staff and labour, contractor will have due regard to all recognised festivals, days of rest and religious or other customs. It is recognized that some form of construction activities will be required during these times and will managed as described in the section on Working Hours.

Disorderly Conduct

The Contractor will at all times take all reasonable precautions to prevent any unlawful, riotous or disorderly conduct by or amongst his staff and labour and for the preservation of peace and protection of people and property in the neighbourhood of the road project.

Illegal Hunting

To avoid illegal hunting, the Contractor will:

1. Prohibit project workers from hunting bush meat during working hours or on project work sites.
2. Prohibit project workers from possessing firearms, snares and other hunting equipment when on project work sites.
3. Prohibit transport of bush meat on project vehicles.
4. Pay workers an adequate wage so that they can buy their food without augmenting it with illegally obtained bush meat.

HIV/ AIDS Policy

The ILO’s Code of Practice on AIDS recognizes HIV/AIDS as a workplace issue and goes beyond raising awareness to include non-discrimination, confidentiality, care and support. UNAIDS and other agencies produce guidelines of employer good practice with regard to HIV/AIDS. The road project contractor will also follow applicable Ugandan national policy on HIV/AIDS.

The contractor will arrange for its employees to attend an HIV awareness programme provided in accordance with the HIV/AIDS Policy and UNAID guidelines by a third party organisation such as The Aids Support Organisation (TASO). The programme will take place during its employee’s normal working hours. HIV/AIDS management programmes will be subject to the normal monitoring process of the BIP. Further information about the HIV awareness programme is provided below.

The road project contractor will:

1. Retain services of a Nominated Service Provider to provide an HIV/AIDS Awareness Programme to Employees and the Local Community;
2. Give any representative of the Nominated Service Provider all reasonable access to the worksite in connection with the HIV/AIDS Awareness Programme;
3. Instruct Employees to attend the HIV/AIDS Awareness Programme in the course of their employment and during their normal working hours or any period of overtime provided for in the relevant employment contracts and uses all reasonable endeavours to ensure this instruction is followed;
4. Provide suitable space for delivery of the HIV/AIDS Awareness Programme; and,
5. Referral to testing, counselling and advice on HIV/AIDS in compliance with UNAIDS guidelines.

The road project implementation and management teams will treat HIV/AIDS the same as other life-threatening illnesses and handicaps in terms of our policies and benefits where they apply. The project not discriminate against a qualified individual with regard to job application, hiring, advancement, discharge, compensation, training, or other terms, conditions or privileges of employment. It is recognized that an employee with HIV/AIDS or another life-threatening illness may wish to continue in as many of his/her normal pursuits as his/her illness allows, including work. As such, the Contractor will be supportive of and make reasonable accommodation for the employee who is medically able to perform his/her job. An employee’s medical information is personal and will be treated as confidential.

While accommodating employees with life-threatening diseases and other disabilities, however, it is recognized that, obligation to provide a safe work environment for all employees will rest with the Contractor. The Contractor ought to be sensitive and responsive to co-worker’s concerns and will emphasize employee education. The Contractor will continue efforts to be adequately informed about HIV/AIDS and will make this information available to employees on a regular basis.

1. People with AIDS or HIV infection are entitled to the same rights, benefits and opportunities as people with other serious or life-threatening illnesses;
2. Employment practices comply with local laws and regulations and/or the practices of the parent company, whichever is greater, and where applicable;
3. Employment practices are based on the scientific and epidemiological evidence that people with AIDS or HIV infection do not pose a risk of transmission of the virus to co-workers through ordinary workplace contact;
4. Senior management unequivocally endorses non-discriminatory employment practices and education programs or information about HIV/AIDS, the contractor will communicate policies and practices to employees in simple, clear, and unambiguous terms;
5. The contractor will provide employees with sensitive, accurate and up-to-date information about risk reduction in their personal lives;
6. The contractor will protect the confidentiality of employee’s medical insurance information.
7. To prevent work disruption and rejection by co-workers of an employee with HIV/AIDS or STI/STD infections, the contractor will undertake education for all employees before such an incident occurs and as needed thereafter; and
8. The road project management will not require HIV/AIDS screening as part of pre-employment or general workplace physical examinations.

Policies and Procedures

Most environmental and social impacts resulting from the project activities shall be directly under the control of contractor(s) and will be mitigated directly by the same contractor(s). UNRA shall incorporate standardized environmental and social clauses in the tendering documentation and contract documents, in order for potential bidders to be aware of environmental and social performance requirements expected from them, and are able to reflect that in their bids, and required to implement the clauses for the duration of the contract.

**Occupational, Health and Safety**

Occupational Health and Safety will be complied with through a provision of PPE to every worker at all working sites where beneficiaries undertake project activities. Such PPE will be identified during planning stage when project activities have been confirmed. The Contractor’s OHS plan shall also cover provision of occupational health and safety at the project sites which including but not limited to provision of sanitary facilities, provision of drinking water, solid waste collection and disposal points, use of appropriate PPE with respect to project implemented activities and provision of First Aid Kit at all sites. Costs for procuring PPE and other safety measures will be included in the project budget. It is recommended that the contractor maintains a stores ledger book where all tools and equipment procured is recorded.

The Contractor should also be committed to:

1. Complying with legislation and other applicable requirements which relate to the project’s occupational health and safety hazards.
2. Communicating the OHS policy statement to all persons working on the project.
3. Enabling active participation in OHS risks elimination through promotion and provision of appropriate skills, knowledge and attitudes towards hazards.

**Labor Influx and Gender Based Violence**

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

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

Issues of gender-based violence will be addressed through mandatory training and awareness raising for the workforce about refraining from unacceptable conduct toward local community members and fellow workers, specifically women. The workers should also be informed about national laws that make sexual harassment and gender-based violence a punishable offence. The Contractor with support from UNRA and other stakeholders like Police, Implementing Partners and MoGLSD should develop a system to capture gender-based violence, sexual exploitation and workplace sexual harassment related complaints/issues.

**Employment**

The Contractor shall employ technical staff who are skilled and experienced in their respective areas and such as foremen and leading hands as are competent to give proper supervision of the project activities. The Contractor will also employ such skilled, semi-skilled and unskilled labor as is necessary for the proper and timely fulfilling of this project including implementation of planned mitigation and community development measures for the Project which are included in the Environmental and Social Management Plan as well as in the OHS Plan.

**Age of employment**

The minimum age of employment for this project shall be 18 years and to ensure compliance, all employees will be required to produce National Identification Cards and Voters Registration Card or any other legally recognized documentation as proof of their identity and age that is required for employment. Section 32 of the Employment Act applies minimum age protections to employment of children. Section 37 also stated the requirements regarding migrant workers.

**Terms and Conditions**

The Contractor shall specify the terms and conditions of employment including, but not limited: -

1. Specific wages, hours and other provisions that apply to the project
2. Maximum number of hours that can be worked on the project
3. Any collective agreements that apply to the project. Where relevant, provide a list of agreements and describe key features and provisions
4. Other specific terms and conditions

Grievance Redress Mechanism

**Introduction and Purpose**

Grievances and concerns are bound to occur from the earliest or inception phase of the road project. The activities and operations of the consultant at planning phase; and those of the contractor at implementation phase can result into undesirable social-economic and environmental impacts, which may annoy, irritate or cause feelings of discomfort and unfairness among different stakeholders which affect the license to operate, the progress of the works and the ability of affected persons to enjoy the benefits of the project. ***This section highlights the Grievance Redress Mechanism (GRM) for the project and it is important to note this item is explicitly dealt with in details in both the ESIA and RAP for the project.***

**Purpose of GRM**

The purpose of the GRM is to put in place a simple and easily accessible systematic process for recording, processing and promptly resolving grievances and concerns raised during the RAP and ESIA detailed studies and during project implementation. The aim of the GRM is to achieve mutually agreed resolution of grievances raised by stakeholders and other parties. A grievance in the context of this assignment is defined as a complaint of dissatisfaction, harm, unfairness or mistreatment raised by an individual or a group within project area or beyond affected by project processes and activities including RAP and ESIA studies[[2]](#footnote-2).

**Objectives of GRM**

In line with the UNRA ESS policy and UNRA Harmonised Grievance Redress Mechanism, 2019, the specific objectives of the GRM are to:

1. provide to UNRA stakeholders at different levels with a clear mechanism of channelling grievances;
2. operationalize the policy statement on Grievance Management in the UNRA Environment and Social Safeguards policy by setting up and making known to all stakeholders a clear, accessible and efficient system for receiving and resolving grievances for all stakeholders;
3. record, categorize and prioritize the grievances;
4. provide an accessible, transparent and efficient complaint procedure for UNRA stakeholders;
5. provide an environment that fosters free and honest exchange of information, views, and ideas in regard to resolving received grievances;
6. provide and define clear roles and responsibilities of the various parties involved in handling and resolving grievances;
7. promptly resolve the grievances in consultation with relevant stakeholders and have such grievances closed out within a specified time frame;
8. escalate unresolved grievances to other relevant offices or authorities in line with UNRA GRM procedure.

**Possible sources of Grievances in the road project**

In the project, grievances can arise from:

1. Unclear boundaries and disagreement over the size of the affected land;
2. Unclear or unknown valuation and survey methods among community members;
3. Land boundary and ownership disputes between different parties;
4. Lack of clear and updated compensation rates;
5. Multiple and unclear interests on land especially under customary and communal tenure;
6. Lack of disclosure of relevant project related information specifically for the RAP and ESIA studies;
7. Conduct and behavior of project staff;
8. Unmet demands and expectations from some project stakeholders.

During construction phase, grievances are likely to arise from but not limited to the following scenarios (see UNRA-Harmonized GRM Manual, 2019):

1. Delayed salaries;
2. Underpayments;
3. Casualties, fatalities, damages to sensitive ecosystems and productive assets,
4. Loss of productive lands and assets,
5. The spread of diseases and or sexual violence,
6. Physical displacement, loss of livelihoods and constrained access to social service facilities
7. Delayed completion of essential works, cost increases, and unsatisfactory road conditions,
8. Segregation and racial misconduct at places of work[[3]](#footnote-3)
9. High expectations regarding work opportunities
10. Reduced access to community resources

**GRM Principles**

The proposed GRM will be informed by the following principles in line with UNRA’s 2018 Grievance Redress Mechanism (GRM 2018)

1. ***The GRM is binding and legitimate***: the GRM resolutions should be binding and sufficiently legitimate and process free from interference.
2. ***The GRM is affordable and accessible***: the GRM must be made known to all stakeholders including relevant time frames in the process, and provide adequate access points and services to promote use and trust.
3. ***The GRM*** is transparent in process and resolution/outcome implementation
4. ***The GRM promotes equal opportunity*** for all parties to use the system and it must be free of coercion and reprisals.

**Grievances Management**

1. A grievance can be submitted by any stakeholder either in writing or verbally through consultant CLOs, team specialists or through UNRA established channels (at the UNRA headquarters, UNRA offices in Kyambogo, or Community based GMC). With the help of sub-county and community leadership, the GMCs for this project are being established at community level with a minimum of 6 members (03 of whom represent PAPs; 02 represent opinion leaders, CBO or an observer; and an LCI chairperson representative as an ex-official) as per the UNRA-GRM Harmonized Guidelines;
2. Minimum considerations for reception will apply (names of complainant, address, nature of complaint, time and parties involved, any evidence and witness). In respect to the ESIA and RAP studies, community leaders (LC1s), sub-county chiefs or town council clerks along the alignment can also receive grievances for onward transmission to the CLO or appointed Grievances Manager for entry and register;
3. All ESIA and RAP studies related grievances received will be registered using the grievance log books and logged onto the UNRA Grievance and General Enquiry Management System (GGEMS. The complainant should receive an acknowledgment of receipt of the grievance within a reasonable timeframe of 48 hours, preferably in writing. To enhance consistency and compatibility of data management related to grievances, record forms and logo books already in use by the project proponent for similar road projects will be adapted. These have been already shared with the consultant;
4. Screening and categorizing Grievances: Grievances received will be screened and categorized[[4]](#footnote-4)to establish the nature, type and eligibility of the complaint using the following criteria: within limit/scope of the ESIA and RAP studies or KYM project, grievance is clear and relevant information is given;
5. Once the complaint is screened for eligibility, then a decision will be taken to either drop it or proceed with assessments and investigation, and the complainant will be duly informed. Complaints that are categorized as (0) or (1) and are straightforward can often be resolved on first contact and closed out; and
6. After screening and ascertaining need for further investigation, the grievance will be assigned to relevant cluster on the study (ESIA and RAP); and or to relevant department at UNRA through the Grievances Manager for further assessments or management.

**Grievance Processing**

The following process, as adapted from the existing UNRA-GRM Harmonised Guidelines, 2019; will be made available for potential PAPs, community and other stakeholders to register their complaints during the ESIA and RAP studies.

1. Investigation and Feedback (Tier-one): If a grievance is categorized as (2) and requires further investigation it will be assigned to relevant officers or department. For grievances related to the detailed ESIA and RAP studies, these will be assigned to respective specialist for further investigation. Attempts will be made to resolve all grievances related to detailed ESIA and RAP studies at this level. Otherwise, it will be assigned to relevant department at UNRA through the Grievances Manager for further assessments or management;
2. In case the complainant is satisfied with the proposed resolution, the resolution will be effected and grievance closed out. Complainant will sign a grievance closure form witnessed by the CLO (in case it is related to ESIA and RAP studies) and Grievances Manager;
3. The second tier is where the complainant is not satisfied with the resolution at the first tier. A mediator will be identified to mediate between the complainant and the consultant team. Mediators will be trusted individuals in the community who with no conflict of interest to the ongoing ESIA and RAP studies. Possible mediators include religious leaders, family/clan leaders, elders and CSO leaders or managers;
4. In case the complainant is satisfied with the proposed resolution, the resolution will be effected and grievance closed out. Complainant will sign a grievance closure form witnessed by the CLO (in case it is related to ESIA and RAP studies) and Sociologist; and
5. In case complainant is not satisfied with the mediation resolution, the GRM provides for recourse to the formal and traditional judicial system. A summary of the proposed indicative grievance management flow procedure.

**Grievance Handling Management Structure**

The GRM structure during ESIA and RAP studies will be simple and kin to the UNRA community-based redress system. This is described below:

1. At the lowest/community level, community based GMCs are being established as indicated above. These GMC will be active throughout the project cycle including the defects liability period;
2. During the detailed ESIA and RAP studies, the CLOs will be designate first contact Grievance Officers (GO) to represent the consultant team in order to receive, analyses and categorize and where possible respond to grievances related to the ESIA and RAP studies;
3. For grievances not related to the ESIA and RAP studies, these will be managed by the GMC or appointed UNRA Sociologist according to the procedure in UNRA Harmonized GRM, 2018. The Sociologist will at later time be part of the clients RAP Implementation Team (see UNRA Land Acquisition and Resettlement Policy, 2018[[5]](#footnote-5); and
4. The UNRA assigned Sociologist will supervise the consultant team in managing grievances related to detailed ESIA and RAP studies phase.

**Disciplinary Procedure**

The starting point for all disciplinary action is rules. These rules may be implied or explicit. Some rules are implied in the contract of employment (e.g. rule against stealing from the employer, sexual harassment, use of drugs etc.), it is recommended that even implied rules be included in the disciplinary code or code of conduct.

**Grievance Procedure**

It is recommended that contractor(s) who will be engaged for the project provide their grievance procedure(see *Figure 2*) as a requirement for tender which at a minimum should comply with UNRA requirements.

Gender-based Violence, Sexual Exploitation and Workplace Sexual Harassment

It is recommended that a Code of Conduct be developed to address workplace issues. UNRA will, with support from local area NGOs/CBOs and District, identify institutions and service providers actively engaged in prevention of gender-based violence, sexual exploitation and workplace sexual harassment. The already existing National and local GBV Prevention and Response strategies will provide guidance on how to handle such issues. In cases of grievances related to gender-based violence, they will be reported through the project/contractor and the nature of the complaint will be recorded along with the age of the complainant and their relation to the project. The issue will be referenced to relevant institutions like the Police, health facilities etc. In addition, the ESIA has identified additional mitigation measures related to gender and such measures will be reflected in site specific ESMPs, including the contractors ESMP or contractor(s) specific Labor Management Plan(s).

Contractor grievance handling procedure

Grievances raised by workers

Grievances raised to grievance committee members

World Bank /UNRA project team/ suggestion boxes/ Hotline etc.

Grievances raised to the site foremen/ safety officer/Sociologist

Contractor’s Grievance Handler schedules a meeting

Complaint registered in the grievance log book by the Sociologist/ Grievance handler

**Committee hearing**

Hearing from the:

1. The Complainant;
2. The Accused party
3. Witnesses (if any)

Recommendations by the GC

Disclosure of outcome to all parties

Outcomes accepted by parties

Yes

No

Refer grievance to Labour Officer

Outcomes accepted

Yes

No

Refer case to Court

Figure 2: Contractor’s grievance handling procedure

ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

Mitigation measures are defined on the basis of World Bank ESS2 Labor and Working Conditions as well as other applicable Standards and Good International Industry Practices with respect to labor management. The contractor(s) are required to implement and comply with the following mitigations as appropriate to their scope of work in order to avoid, minimize and control impacts and risks with regard to labor and working conditions.

Risk and impact mitigation

***Ta***ble ***1*** below presents a summary of the potential risks and impacts related to labour and working conditions, together with mitigation measures to avoid, eliminate or reduce associated impacts. It also describes the monitoring required to assess the performance of these measures.

**Table 1: Labor Risks and Impact Mitigation**

| **Sub-Category** | **Worker Impacts/Risks** | **Project Impacts/Risks** | **Mitigation Measures** | **Monitoring** | **Monitoring Frequency** | **Responsibility** |
| --- | --- | --- | --- | --- | --- | --- |
| **Direct Workers** | | | | | | |
| Recruitment and selection i.e. how workers join the Road Project. | Perception of unfair recruitment and selection practices. | Community tensions – stop work practices that affect productivity. | Project Human Resources policy and/or procedure that covers recruitment and selection processes including at least:   * 1. Selection criteria of each position;   2. Method of recruitment;   3. Places of recruitment;   4. Transparency clauses;   5. Use of District Labor procedures. | Assessment | Quarterly | Contractor |
| National content strategy that is transparent, well communicated and implemented to:   * 1. Maximize work opportunities for local citizens and recruit in accordance with the geographic priorities determined by the Labor officer; and  1. Enhance local employees’ skills base through training and development programs. | Verify | Monthly | Contractor |
|  | Recruitment of individuals who, by virtue of age, would be exposed to hazardous situations and be subject to impaired social development. | Increased health and safety risk to workforce, potential non-compliance with national labor laws, and reputational risk to Project. | Human Resources and contracting policies and/or procedures that cover recruitment and selection processes that specifically address issues associated with child labor. | Verify | Biannually | Contractor |
| Conditions of employment – what people earn\benefits. | Perceptions that wages, salaries and benefits are poor or that foreigners are treated better and receive better conditions of employment. | Industrial action- work stoppages, absenteeism, sit-ins, sabotage. | Human Resources policy and/or procedure that describes at least the following:   * 1. Contract arrangements and content;   2. Equal pay for equal work;   3. How wage surveys will be conducted to assess local conditions and industry averages; and   4. Process for pay increases. | Verify | Quarterly | Contractor |
| An effective employee complaints/grievance process. | Assessment | Monthly | Contractor |
| Labor relations– cultural diversity. | 1. Different cultures meeting in the workplace – feelings of distrust and suspicion of other cultural groups    1. Perception that one’s culture is not respected or valued. | 1. Conflict arises between different cultures or tribes resulting in tension, which could lead to violence and work stoppages; and 2. Foreign workers feel threatened and leave, resulting in skills gap | Cultural awareness programs during induction and ‘lunch and learns’. | Verify | Quarterly | Contractor |
| Supervisors to undergo compulsory cultural awareness training. |  |  |  |
| A code of conduct to cover:   * 1. Respect for different cultures   2. Acknowledgement of cultural differences in respect to diet, religious ceremonies and so forth   3. Non-discrimination and equal opportunity   4. Harassment, types and consequences   5. Community “do’s and don’ts”. |  |  |  |
| Labor relations– conflict handling. | Workers feel aggrieved and don’t know how to vent their grievances.  Workers are not sure of the rules and regulations of the Contractor. | Workers embark on various forms of industrial action. They take matters into their own hands, which results in violence and conflict that affects workplace harmony. | Human Resources policy and/or procedure that contains at least:   * 1. A worker grievance procedure;   2. A disciplinary procedure;   3. Workplace rules and regulations;   4. A demobilization procedure; and   5. Industrial action handling protocols.   Workers to be informed of these procedures during induction training.  Supervisors to undergo training on all these procedures.  Female grievance officers (‘confidants’) are made available to female members of the workforce.  Metrics with leading and lagging indicators to be kept in order to highlight labor relations areas in need of remedial action. | Assessment | Monthly | Consultant Engineer |
| Labor relations– worker engagement mechanisms. | Workers are not informed of activities or events that affect them:   * 1. Workers are unable to communicate collective issues that bother them; and   2. Rumors\ misinformation spreads that concerns workers. | Industrial action due to rumors or incorrect perceptions.  Poor morale and an unproductive workforce | Effective communication and engagement mechanisms including at least the following:   * 1. Worker committees   2. Regular written communications that go to all workers describing relevant operations activities   3. Use of notice boards   4. Use of toolbox talks   5. Ongoing supervisor-led communications   Workers have the right to form or join a workers’ organization such as a union. | Assessment | Monthly | Consultant Engineer |
| Project retrenchment effects on production activities. | 1. Loss of work and associated resentment towards the project. 2. Increased unemployment. 3. Community and household-level adjustments from cash-based to subsistence-based livelihoods for many demobilized workers. 4. Family and community impacts generated through loss of work by community/family members. | 1. Increase in lawlessness of communities posing security threats for operations. 2. Decrease in morale of existing workers, leading to loss of productivity. 3. Blockades and disruption to supply lines. 4. Damage to Project assets resulting from retribution. | Comprehensive retrenchment procedure and strategy, which includes:   * 1. Timing and number of workers to be retrenched – a staggered approach   2. A communications strategy to minimize misinformation and rumors.   3. Alignment with community development activities   4. complaints/grievance process to facilitate employee and contractor dispute resolution relating to retrenchment   5. Personal viability training   6. Engagement and consultation of relevant stakeholders, including families of retrenched workers.   7. Consistent application of retrenchment packages to minimize the risk of inequitable treatment. | Assessment | Quarterly | Contractor/Resident Engineer. |
| **Contractors and Contract Workers** | | | | | | |
| Labor and working conditions– contract workers. | Perception of unfair recruitment and selection practices. | Workers embark on various forms of industrial action. They take matters into their own hands, which results in violence and conflict that affects project implementation and scheduling. | 1. Operationalization of human resources management manual; and 2. Effective communication and engagement mechanisms. | Assessment | Quarterly | Contractor/Resident Engineer. |
| Foreign workers. | 1. They risk to undermine locals and take preferential treatment. 2. Foreign workers are contracted through agencies that are not reputable. 3. Perceptions by local workers that wages, salaries and benefits are poor and that foreigners are treated better and receive better conditions of employment. | 1. Company reputation would be affected with implications of unfair labor practices 2. Contract workers are disgruntled as they believe they are being unfairly employed, resulting in industrial action and\or low productivity. | Where a contractor uses agencies to recruit foreign\local workers, the contractor ensures that these agencies are reputable and legitimate.  Complete transparency on all fees paid to the agencies to be required by the contractor and subject to approval by Resident Engineer. | Verify | Quarterly | Resident Engineer. |
| The contractor should aim to contract directly with their workers and not use third party agencies. This means that workers will be paid by the contractor directly and not through an agency.  However, where this is not possible, the contractor is to inform Resident Engineer in writing of the deviation and the reasons for this and provide evidence that agencies have been approved as applicable. | Verify | Quarterly | Resident Engineer. |
| The contractor ensures that all workers have written contracts of employment signed by both parties that cover all the terms and conditions of employment. Each party to the contract shall have an original copy. Contracts will be drafted in the relevant language and the contractor will ensure that the worker understands the terms and conditions of employment. | Verify | Quarterly | Resident Engineer. |
|  |  | The contractor is to provide Contracts of Employment with terms and conditions, as a minimum, complying with GoU legislation. The terms and conditions should be equal to, or better than, similar work in similar projects in the country. | Verify | Quarterly | Resident Engineer. |
| **Accommodation** | | | | | | |
| Worker accommodation building specifications (camps). | Accommodation is considered sub-standard which leads to discontent amongst the residents and concerns about perceived health risks. | Workers have low morale and perceive RE and UNRA to not care about their welfare, which in turn affects motivation and productivity. | Build camps to the minimum camp specifications for production accommodation. In the event of new construction, the following Construction phase plans will be applied as necessary:   * 1. Minimum Health Requirements for Project Execution;   2. Minimum Camp Specifications for Operations Accommodation;   3. Contractor’s Occupational Health and Safety Plan   4. Emergency Response Plan   5. Security Management Plan. | Verify | Quarterly | Resident Engineer. |
| Camp management practices. | Residents do not live in harmony and the potential for conflict rises. Residents do not know how to complain or make a grievance. | Conflict escalates. | If a contractor is used to manage camps, they must have a proven track record.  Implement an induction program to be attended by all residents that covers at least the following:   * 1. Camp rules and regulations;   2. Code of conduct   3. Camp grievance mechanism;   4. Camp disciplinary procedure;   5. Complaints system for food, dining, housekeeping and maintenance;   6. Camp committee system;   7. Community relations cultural awareness; and   8. Health, safety and security.   Keep committee minutes, records of all training conducted, complaints, grievances and breaches of discipline. Use this information to track trends and for remedial action purposes.  Implement a mechanism for dialogue with camp residents on key issues such as food, dining, housekeeping, recreational activities and camp rules and regulations.  Undertake room allocations in an open and transparent manner using only employment seniority as a criterion. Keep separate but equal male and female accommodation.  Implement appropriate levels of safety and security practices and ensure that only residents are allowed in the accommodation – as well as day workers such as cleaning and maintenance staff. Strict ingress and egress control is required to ensure the security of the residents, particularly women.  Procure camp supplies according to the operations procurement and supply chain management practices. Do not procure from vendors if it may lead to higher prices for local communities or encourage in-migration into the area. | Verify | Quarterly | Resident Engineer. |
| Food and dining | 1. Food is not culturally appropriate.    1. Queues are long.    2. The dining experience is a frustrating one leading to incidents in the dining hall between workers and kitchen staff. | 1. Workers embark on industrial action. 2. Incidents increase in the dining halls which could escalate to violence. 3. Morale is low which leads to poor productivity. | Provide food that will ensure a balanced diet, is culturally appropriate and has been approved by a qualified nutritionist.  Provide safe, potable water at all work sites, accommodation, and dining and recreation areas.  Provide the opportunity for feedback on food and dining by a comments or complaints system that is easy for residents to use, as well as via regular meetings with worker nominated representatives. Complaints must be trended and tracked for remedial action.  Ensure that dining halls have adequate seating, condiments, cutlery and crockery, serving areas and catering staff so that the dining experience is an efficient and pleasant one. Dining times to be communicated to all residents and to fit in with work requirements.  Ensure that kitchen staff comply with all GoU Public Health Act and related health regulations.  Meet all the health, hygiene and food safety requirements described in the Minimum Health Specification Guidelines. | Verify | Quarterly | Resident Engineer. |
| Maintenance | Equipment breaks down affecting accommodation standards. | Worker health, safety and general welfare are affected, which in turn could affect the motivation and productivity of workers. | 1. Provide an efficient system for routine and preventive maintenance. 2. Ensure that there are enough spare parts available for all critical equipment. | Verify | Quarterly | Resident Engineer. |
| Housekeeping | The general appearance of the camp deteriorates making camp life unpleasant. | The overall camp experience is compromised which in turn leaves workers demoralized and unproductive. | 1. Ensure that camp grounds and common areas are routinely cleaned and organized with appropriate signage in place, and that grounds are maintained (e.g., grassed areas are regularly mown). 2. Establish easily accessible, designated smoking areas which are clearly highlighted and regularly cleaned. | Verify | Quarterly | Resident Engineer. |
| Recreation | Workers spend most of their time in the camps and could become disenchanted and bored. They may want to leave the camps and go into the local towns and villages in search of recreation. | Tensions arise from the local communities as workers impact their activities in search of recreation. An increase in alcohol consumption and prostitution could result due to the influx of workers into local communities. | 1. Provide appropriate recreational facilities and activities. These should be discussed with the camp residents’ committee; and 2. Ensure that equipment and facilities are kept clean and well maintained. | Assessment | Quarterly | Consulting Engineer |
| Spiritual /Religion | Workers will want access to places of worship for their chosen religion. They may leave the camps and go into the local towns and villages in search of an appropriate place of worship. | Tensions arise from the local communities as workers impact their activities. | Provide appropriate places of worship where residents express a need for this in accordance with cultural sensitivities, and assess transport arrangements on a case-by-case basis to such areas. | Assessment | Quarterly | Consulting Engineer |
| Security | Inconsistent and aggressive behavior of security personnel towards workers can result in tensions and conflict in the workplace and a perception of human rights abuses. | Insufficient training and control of security personnel can lead to the inappropriate use of force, while protecting Project workers and assets, or inappropriate behaviour towards local populations, resulting in human rights claims. | Ensure that camp security personnel meet at least the following requirements:   * 1. Have not been implicated in past abuses   2. Are trained in appropriate conduct towards workers and community members including:   3. Exercising constraint and caution and understand how force may be used;   4. Respecting human rights;   5. Behaving consistently;   6. Knowing and abiding by applicable laws; and   7. Fostering good community relations through their interaction and behavior towards the workforce and communities. | Assessment | Quarterly | Consulting Engineer |
| Community relations. | Communities are negatively impacted by camp activities: noise, waste, traffic, lighting and so forth. This may result in negative actions towards camp operations such as road closures and the prevention of workers or suppliers from entering the worksite. | Workers are stopped from going to work, which affects productivity. | 1. Implement control measures to avoid and minimize the impacts of camp and living conditions on communities; and 2. Limit foreign worker interaction with communities and provide cultural sensitivity awareness training to facilitate appropriate interaction with communities. | Assessment | Quarterly | Consulting Engineer |

MANAGEMENT AND MONITORING ACTIONS

Management Actions

The management actions and the mitigation measures are based on the commitments which every parties will have; is easy to remark that the compliance of the Constructors with the conditions and the recommended solutions are also measures to prevent and to improve key issues such as:

1. health;
2. safety
3. security;
4. satisfaction on labor; and
5. social and economic comfort.
6. collaboration with the local communities, management of traffic and road safety, waste management, measures regarding alcohol and drugs consumption, issues of access to natural resources (wildlife and wood fuel etc.) the project will have briefing meetings to ensure workers do not engage in such illicit activities. The project will collaborate with local authorities to ensure observance of these measures for harmonious coexistence between the project and the communities.

Monitoring

**General Monitoring Activities**

Processes for monitoring, assessment and audit will be developed to:

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

Monitoring will be undertaken for both direct hires (including casual labor) and contract workers. The Resident Engineer together with District Labor Officer, Community Development Officer (CDO) and Ministry of Gender Labor and Social Development (MoGLSD) staff will undertake both desktop and field-based inspection programs to confirm that specified mitigation measures are being implemented effectively and achieving the intended outcomes (see Table 1: Risks and impact mitigation).

**Assessments**

The Resident Engineer will take a lead in undertaking periodic assessments to determine the degree to which, the commitments outlined in this Plan are being met. This will include camp inspections and monitoring of grievances. The assessments will be undertaken by suitably qualified personnel conversant with labor management issues. Assessment findings will be prioritized and closed in a timely manner.

**Audits**

It is envisaged that, the Resident Engineer may, at its discretion, audit the contractors or suppliers to determine their compliance with this Plan. In addition, the Resident Engineer may also, at its discretion, undertake audits of other third party facilities and providers, as relevant to the Environmental and Social Management Plan. The Independent Environmental and Social Consultant, on behalf of UNRA may also be engaged to conduct periodic monitoring reviews of the Project, largely based on the social and environmental controls set out in the Environmental and Social Management Plan.

**Performance indicators**

Performance indicators are used to measure and track performance against the effectiveness of mitigation and control measures described in this Plan. Indicators can be divided into two groups i.e. leading indicators and lagging indicators. Leading indicators predict actions to be taken to prevent a risk from escalating - such as complaints from workers about, for example, the quality of camp food. An example of a lagging indicator would be a work stoppage over camp conditions. General performance indicators may also be relevant, such as training and awareness numbers. Performance indicators must be measurable against a specified target. The performance indicators outlined in ***Table 2*** apply to this Plan:

**Table 2: Labour and working conditions performance indicators**

|  |  |  |  |
| --- | --- | --- | --- |
| **Performance Indicator** | **Measurement** | **Target/Benchmark** | **Frequency of Report** |
| Grievances lodged | Type and number | Closed or adequately responded to within 30 days. | Monthly |
| Disciplinary cases | Type and number | Reduction in disciplinary breaches. | Monthly |
| Pay slips/general payment queries | Type and number | Reduction in queries and enquiries on payments. | Monthly |
| Lost hours due to industrial actions /strikes. | Lost hours | Zero | Monthly |
| Camp committee issues raised | Type and number | Closed before next meeting | Monthly |
| Food or lodging complaints | Type and number | Reduction and/or downward trend | Monthly |

Performance indicators should be carefully recorded and graphed where relevant for remedial action to reduce potential risks. They will form a key component of monthly reporting by the Resident Engineer.

**Non-conformance and corrective action**

1. The road project ESMP alongside provisions in this Plan will be all used for tracking and stewardship of non-conformances identified as part of assessment and audit activities described in this Plan.

Additional issue

Some of the issues to be considered under this include:

**Training and Awareness**

Before the development of a training and awareness program, a needs analysis will be conducted. The needs analysis will be based on requirements of this Plan. It involves a basic assessment of the knowledge and skills of the people involved in training implementation. Regardless of the outcome of the needs analysis, the training and awareness program will cover, at a minimum, the areas outlined in Table 3.

**Table 3: Training and Awareness Plan**

| **No.** | **What** | **Who** | **When** | **Frequency** |
| --- | --- | --- | --- | --- |
| 01. | Mitigation measures including all procedures | Supervisors and senior camp management.  Personnel who will be involved in training, reporting or monitoring. | Prior to commencement of work | Once prior to commencement of work |
| 02. | Workplace induction including:   * 1. Pay slips;   2. Disciplinary and grievance procedures;   3. Cultural awareness; and   4. Code of conduct. | All workers | Prior to commencement of work. | Annually |
| 03. | Camp induction including:   * 1. Rules and regulations   2. Code of conduct   3. Camp committee system   4. Camp food complaints system   5. Interaction with communities   6. Health, safety and security. | All camp residents | Prior to commencement of work. | Annually |
| 04. | Monitoring | Personnel who will be conducting monitoring events. | Before monitoring commences | Annually |
| 05. | Reporting and performance indicators | Personnel who will be compiling reports relating to labour and working conditions. | Before reporting commences | Annually |
|  | Human rights awareness | Senior Management, Supervisors, security personnel (staff and contracted). | Prior to commencement of work | As required by changes in training materials or awareness topics. |

Reporting

**Internal**

A periodic report will be compiled to address the labour and working conditions aspects contained in this Plan, including the following for both Consulting Engineer and contractor activities:

**Workplace**

* 1. Grievances lodged by type and number, illustrated with graphs. Open grievances by type and number;
  2. Disciplinary action by type and number, including graphs;
  3. Induction training numbers, queries and comments;
  4. Issues raised by workers’ committees and action taken;
  5. Workforce numbers by local and foreign workers - actual against planned;
  6. Actual demobilization numbers against planned targets. Incidents around demobilization;
  7. Industrial relations incidents - stoppages go slows, threats, damage to property, violence;
  8. Lost hours by category; and
  9. Absenteeism, sick leave and late arrivals.

**Camp**

* 1. Grievances lodged by type and number, illustrated with graphs. Open grievances by type and number;
  2. Disciplinary action by type and number, including graphs;
  3. Induction training numbers, queries and comments;
  4. Issues raised by camp committees and action taken;
  5. Camp numbers by local and foreign workers - actual against planned;
  6. Camp incidents;
  7. Food or lodging complaints; and
  8. Recreation activities.

**6.2 External Reporting**

Consulting Engineer and its contractors will meet all statutory notification and reporting requirements.

Disclosure

disclosure will be done to enable workers understand information regarding safeguards in the workplace. This will be done during the induction period of the worker.

Various tools will be used including:

1. IEC materials
2. Meetings
3. Induction toolkit (SGBV violations, EHS company policies, safety, code of conduct, child protection etc.)

The process shall be as follows:

1. Recruitment of worker

2. Orientation / Induction

Integrated induction

**Environment, Health and Safety**

1. Safety induction including risks and hazards, emergency procedure, restricted areas, waste management, PPE usage, etc.
2. Flow process
3. Training protocol

**Human Resource manager**

1. Contract agreement
2. Legal obligations
3. Code of conduct
4. Worker management

**Supervisor**

Job description

3. Follow-up with continuous training and sensitization activities

**UNRA/ Supervising Engineer**

Supervision, monitoring and reporting

Figure 3: Disclosure process

ANNEXES

Annex I: Guidelines on the Code of Conduct

**INTRODUCTION**

This code of practice provides guidance to contractors who will undertake construction of KYM facilities associated with this project. Construction work is work carried out in connection with construction, and commissioning, decommissioning or dismantling of a structure.

Construction workers must always:

1. Take reasonable care for their own health and safety
2. Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, and
3. comply with any reasonable instruction and cooperate with any reasonable policy or procedure relating to health and safety at the workplace.

**MANAGING RISKS WITH CONSTRUCTION WORK**

The first step in the risk management process is to identify the hazards associated with construction work. Examples of hazards include:

1. Collapse of trenches
2. Falling objects, for example tools, debris and equipment
3. Hazardous manual tasks
4. Structural collapse
5. The construction workplace itself, including its location, layout, condition and accessibility The handling, use, storage, and transport or disposal of hazardous chemicals
6. The interface with other works or trade activities
7. The physical working environment, for example the potential for electric shock, immersion or engulfment, fire or explosion, slips, trips and falls, people being struck by moving plant, exposure to noise, heat, cold, vibration, radiation (including solar UV radiation), static electricity or a contaminated atmosphere, and the presence of a confined space.
8. The use of ladders, incorrectly erected equipment, unguarded holes, penetrations and voids, unguarded excavations, trenches, shafts and lift wells, unstable structures such as incomplete scaffolding or mobile platforms, fragile and brittle surfaces such as cement sheet roofs, fiber glass roofs, skylights and unprotected formwork decks welding fumes, gases and arcs

**SAFE WORK METHOD STATEMENTS (SWMS)**

All persons who are involved in high risk construction work must develop and implement arrangements to ensure the work is carried out. This necessitates a SWMS, which is a written document that details high risk construction work activities to be undertaken, hazards or risks arising from those activities and measures to control the risks. All workers who will be involved in high risk construction work must be provided with information and instruction so they:

1. Know what to do if the work is not being conducted in accordance with the SWMS.
2. Understand and implement the risk controls in a SWMS
3. Understand the hazards and risks arising from the work

This information and instruction may be provided during general construction induction training, workplace-specific training or during a toolbox talk by the principal contractor, contractor or subcontractor.

**OCCUPATIONAL HEALTH SAFETY (OHS) MANAGEMENT PLANS FOR CONSTRUCTION PROJECTS.**

An OHS management plan is a written plan that sets out the arrangements for managing some site health and safety matters. The intention of an OHS management plan is to ensure the required processes are in place to manage the risks associated with a complex construction project, as there are usually many contractors and subcontractors involved and circumstances can change quickly from day to day. An OHS management plan must be in writing and must be prepared by the principal contractor before a project commences. It should be easily understood by workers (including contractors and subcontractors). It may not be necessary to communicate the entire OHS management plan to all workers; however, they must be made aware of the parts that are applicable to the work they are carrying out. The OHS Management Plan must contain: arrangements for consultation, cooperation and coordination:

1. Arrangements for managing incidents
2. Arrangements to collect and assess, monitor and review SWMS.
3. Names of persons at the workplace whose positions or roles involve specific health and safety responsibilities, for example site supervisors, project managers, first aid officers
4. Site-specific health and safety rules and how people will be informed of the rules

While OHS management plan is required for every construction project, a principal contractor may prepare a generic OHS management plan that applies to several construction projects, if the arrangements to manage work health and safety are the same for each construction project. However, the principal contractor must review and revise the plan to ensure it addresses the risks of the actual workplace.

**INFORMATION, TRAINING, INSTRUCTION AND SUPERVISION**

All contractors and subcontractors must provide relevant information, training, instruction and supervision to protect all persons from risks to their health and safety arising from construction work carried out.

A range of activities can assist in ensuring people have the necessary knowledge and skills to complete the work safely, including general construction induction training and other training that may be specific to the workplace or the task the person is performing.

Information that might be provided includes workplace health and safety arrangements and procedures, such as for emergency evacuations. Information can be provided in various forms, including written formats or verbally, for example during workplace-specific training, pre-start meetings or toolbox talks.

General construction induction training provides basic knowledge of construction work, the work health and safety laws that apply, common hazards likely to be encountered in construction work, and how the associated risks can be controlled. Any person who is to carry out construction work must successfully complete general construction induction training, for example project managers and engineers, foreman, supervisors, surveyors, and labourers.

**GENERAL WORKPLACE MANAGEMENT ARRANGEMENTS**

The principal contractor must put in place arrangements for ensuring compliance with the following duties:

1. Providing a safe working environment
2. Zero tolerance to Child Labor
3. Providing and maintaining adequate and accessible facilities
4. Providing first aid
5. Preparing, maintaining and implementing emergency plans
6. Providing workers with PPE, if PPE is to be used to minimize a risk to health and safety
7. Managing risks associated with airborne contaminants
8. Managing risks associated with hazardous atmospheres including ignition sources I. Storage of flammable and combustible substances
9. Managing risks associated with falls, and
10. Managing risks associated with falling objects.

The principal contractors may put in place arrangements for ensuring compliance with the above requirements through contractual arrangements, but they cannot rely only on these arrangements to ensure compliance. The principal contractor may also coordinate with other subcontractors, and check compliance whenever the principal contractor attends the construction site.

**Part II: Code of Conduct for Contractors**

Each employee including trainee or volunteer of a Contractor who have interaction with the

Project must sign this “Code of Conduct.”

In this Code, “Contractor" shall mean and apply to the contractor, its employees, sub- contractor, officers, agents, representative or those contracted through the Contractor to perform services authorized by the contract. The contractor agrees to adhere to this Code of Conduct when providing services to this project. The Code of Conduct is in addition to all other contract requirements, policies, rules and regulations governing delivery of services. The purpose of the code is to protect vulnerable people from abuse, neglect, maltreatment and exploitation. It clarifies expectation of conduct of the parties and their employees, which includes administrative staff, care staff, support services staff and any others when interacting with the project.

Contractor, its agents or representatives authorized through it shall not abuse, sexually abuse or sexually exploit, neglect, exploit or maltreat any fellow employees or people from general public/ community. Additionally, no person shall cause physical injury to any other person.

The Contractor shall not by acting, failing to act, encouragement to engage in, or failure to deter from will cause any person to be subject to physical or mental abuse, sexual abuse or sexual exploitation, neglect, exploitation, or maltreatment. The Contractor shall not engage any person as an observer or participant in sexual acts.

Contractor understands and acknowledges that failure to comply with this Code of Conduct may result in corrective action, probation, suspension, and/or termination of contract.

Equally important to realize is that this Code also protects any person under the age of 18 years and any person 18 years of age or older who is physically or mentally handicapped or impaired due of mental illness, mental deficiency, physical illness or disability, or other temporary or permanent cause, to the extent that he is unable to care for his own personal safety.

**1) Abuse shall include the following, but is not limited to:**

1. Harm or threatened harm, meaning damage or threatened damage to physical or emotional health and welfare of any person.
2. Unlawful confinement.
3. Deprivation of life-sustaining treatment.
4. Physical injury including, but not limited to, any contusion of the skin, laceration, malnutrition, burn, fracture of any bone, subdural hematoma, injury to any internal organ, any injury causing bleeding, or any physical condition which imperils a person’s health or welfare.
5. Any type of physical hitting or corporal punishment inflicted in any manner upon the body.

**2) Sexual misdemeanor will include, but not be limited to:**

Engaging in exploitive or manipulative sexual intercourse with any person. There will be zero tolerance to sexual misdemeanor including rape, defilement of minors/ sexual child abuse, sexual harassment and elopement.

1. Taking indecent liberties with a person, or causing an individual to take indecent liberties with a person, with the intent to arouse or gratify sexual desire of any person.
2. Employing, using, persuading, inducing, enticing, or coercing a person to pose in the nude.
3. Employing, using, persuading, inducing, enticing or coercing a person to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct. This includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting nudity, or engaging in sexual or simulated sexual conduct.
4. Use of profanities and obscene language in communities or when instructing others.

**3) Neglect may include but is not limited to:**

* 1. Denial of sufficient nutrition to any person.
  2. Denial of sufficient sleep to nay person.
  3. Denial of sufficient protective gear to any person.
  4. Failure to provide adequate supervision; leading to drug use in workplaces, accidents and impairment of employees
  5. Failure to arrange for medical care and/or medical treatment for any person in an emergency.
  6. Failure to drive courteously at all times, leading to accidents. g. Failure to avoid damage public property.
  7. Neglecting public and employee complaints.

**4) Drug abuse may include but is not limited to:**

a. Smoke in public or smoking in undesignated areas b. Consumption of alcohol while on duty/at work

c. Use and trading in narcotics

**5) Illegal trade activities without necessary licenses:**

a. Trade in protected fauna or flora species

b. Trade in ivory or similar regulated wildlife products including game meat c.

Trade in processed, semi-processed minerals and their ores

**Financial exploitation will include, but is not limited to:**

Utilizing labor of without paying for it, or at a non-commensurate financial rate/ wage.

**Mistreatment will include, but is not limited to**:

* 1. Physical exercises, such as running laps or performing pushups,
  2. Unauthorized chemical, mechanical or physical restraints
  3. Assignment of unduly physically strenuous or harsh work.

1. Failure to behave in a polite and courteous manner to the general public
2. Requiring or forcing the individual to take an uncomfortable position, such as squatting or bending, or forcing people to repeat physical movements when used solely as a means of punishment.
3. Denial of any essential service solely for disciplinary purposes
4. Denial of visiting or communication privileges with family or significant others
5. Requiring the individual to remain silent for long periods of time solely for the purpose of punishment.

Contractor agrees to document and report abuse, sexual abuse and sexual exploitation, neglect, maltreatment and exploitation as outlined in this Code and cooperate fully in any resulting investigation. Contractor shall prominently display a poster, notifying contractor employees of their responsibilities and to report violations and giving appropriate phone numbers.

**Contractor/ Employee/ Volunteer/ subcontractor**

Signed:…………………………. Date (dd/mm/yyyy):

Name: ………………………………………….

Annex II: Compliant form

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee name | | | Date and time submitted | |
|  | | |  | |
| Age |  | | Gender (F/M) |  |
| Job title | | | Employee / worker ID | |
|  | | |  | |
| Employee Address | | | Employee Contact number /email | |
|  | | |  | |
| Details of grievance | | | | |
| Date, time and location of event | | | Witness(es) *if applicable* | |
|  | | |  | |
| Description of Grievance(*provide clear details of the grievance)* | |  | | |
| Proposed solution/ Recommendation | |  | | |
| Worker Signature | | | Date |  |
| Received by: *Name and Signature* | | | Date |  |

Annex III: Incident Tracker

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Date of Incident/ Accident | | |  | | | | | Time | | | | |  | | |
| Name(s) of Persons Involved/ Identity of Damaged Property | | |  | | | | | | Age(s) |  | | | | Gender (M/F) |  |
| Address of Person(s) Involved | |  | | | | | | Work Post /Designation | | |  | | | | |
| Supervisor |  | | | | | | Location of Incident/ Accident | | | | |  | | | |
| Classification (Indicative / Serious/ Severe | | | | | |  | | | | | | | | | |
| Description of Incident/ Accident | | |  | | | | | | | | | | | | |
| Nature (Work-related Injury, Non-work related injury, Illness, Environmental Harm, Damage to Property) | | |  | | | | | Medical Support Treatment Given | | | | |  | | |
| Body Part Injured/ Part Damaged | | |  | | | | | Time Off Work (Hours/ Days/ Weeks/ Months) | | | | |  | | |
| Cause of Incident/ Accident | | | |  | | | | | | | | | | | |
| Direct Cause(s) | | |  | | | | | Root Cause(s) | | | | |  | | |
| Notifiable/Non-Notifiable (indicate Persons or Authorities Notified) | | |  | | | | | | | | | | | | |
| **Actions Taken** | | | | | | | | | | | | | | | |
| Immediate Actions | | |  | | | | | | | | | | | | |
| Follow-Up Actions | | |  | | | | | | | | | | | | |
| Police Investigation Ref: | | | | |  | | | | | | | | | | |
| Mitigation Measures | | |  | | | | | | | | | | | | |
| Received and Handled by: | | |  | | | | | | | | | | | | |

1. A "migrant worker" is a person who either migrates within their home country or outside it to pursue work. [↑](#footnote-ref-1)
2. This is similar to the definition provided in the UNRA-GRM Harmonized Guideline, where a grievance is either a real or perceived wrong or hardship suffered by an individual or a group of individuals as a result of interfacing with UNRA’s activities in the project management cycle. A grievance differs from a concern, feedback, suggestion or question. Also according to the UNRA Harmonized GRM, a grievance also includes information disclosed by a whistle-blower under the Whistle-blowers Protection Act 2010 [↑](#footnote-ref-2)
3. UNRA is fully aware of these potential risks and management is committed to addressing them in compliance with national and international best practices of avoiding, reducing, restoring or offsetting consequences of the negative impacts (see Harmonised GRM Final Manual, 2019). [↑](#footnote-ref-3)
4. Category 0: Complaints that are not related to a UNRA project, project workers or any UNRA activity; (b) Category 1: Queries, comments, and suggestions; (c) Category2: Complaints and concerns, which are not criminal in nature or do not require the involvement of police, (d) Category 3: Complaints and concerns that involve allegations that require investigation or intervention by the police or other law enforcement authorities. [↑](#footnote-ref-4)
5. The RAP Team, which shall at this stage include the Resettlement Specialist, Surveyors, Valuers, Sociologist, Data entrant, Grievance Manager, Client Care Officer, Physical Planner, M&E Expert, Community Liaison officer and may include an Accountant and Legal Expert. [↑](#footnote-ref-5)