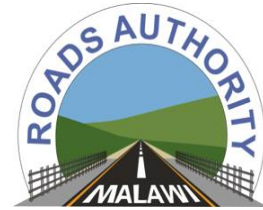




**Government of the Republic of  
Malawi**



**Roads Authority**

# **SOUTHERN AFRICA TRADE AND CONNECTIVITY PROJECT**

## **LABOUR MANAGEMENT PROCEDURES**

**ROADS AUTHORITY**

**January 2022**

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## **LIST OF ACRONYMS/ABBREVIATIONS**

AIDS	Acquire Immuno-Deficiency Syndrome
COVID-19	Corona Virus Disease – 19
DRTSS	Directorate of Road Traffic Safety Services
DGRMC	District Grievance Redress Management Committee
EAD	Environmental Affairs Department
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
EU	European Union
GRM	Grievance Redress Mechanism
GRMC	Grievance Redress Management Committee
GBV	Gender Based Violence
HIV	Human Immuno-Deficiency Virus
IA	Implementing Agency
IDA	International Development Association
ILO	International Labor Organization
LMP	Labor Management Procedure
SATCP	Southern Africa Trade and Connectivity Project
OSH	Occupational Safety and Health
PDO	Project Development Objective

PFT	Project Facilitation Team
PIM	Project Implementation Manual
PIU	Project Implementation Unit
PIUGRMC	Project Implementation Unit Grievances Redress Management Committee
PPE	Personal Protective Equipment
PPPC	Public Private Partnership Commission
PSC	Project Steering Committee
PSIG	Primary School Improvement Grant
RA	Roads Authority
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
TPM	Third Party Monitor
RA	Roads Authority
VAC	Violence Against Children
WGRM	Workers Grievance Redress Mechanism
WGRC	Workers Grievance Redress Committee

# **1. OVERVIEW OF THE SOUTHERN AFRICA TRADE AND CONNECTIVITY PROJECT (SATCP)**

## **1.1. Introduction**

The Government of Malawi through the Ministry of Transport and Public Works and Roads Authority is implementing the Southern Africa Trade and Connectivity Project (SATCP). The project which is being financed by the World Bank (WB) is expected to run for seven (7) years from 2021 to 2027. The objective of the SATCP is to reduce trade costs and time, improve road safety, and increase value chain development in targeted corridors of Malawi.

The Labour Management Procedures (LMP) is developed to manage risks under the SATCP implemented by MoTPW and RA, and funded by the World Bank. The LMP sets out the Project's approach to meeting national requirements as well as the objectives of the World Bank's Environmental and Social Framework, specific objectives of Environmental and Social Standard 2: Labour and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4).

The Labour Management Procedures (LMP) compliments the Environmental and Social Management Framework (ESMF). The LMP provides in detail the procedures for addressing labour related issues that were identified in the ESMF. The LMP has also been developed in line with international best practices applied on projects to address labor related issues that may arise in the course of the implementation of the project activities.

## **1.2. Project Description**

The main objective of the project is to support the Governments of Mozambique and Malawi in reducing trade and transport costs and increasing private investment along the Nacala and Beira corridors where the project will be implemented. The project will be implemented through four components: i) reduce trade costs; ii) improve regional coordination and project implementation; iii) increase investments in value chains; and iv) strengthen transport infrastructure to improve market access.

**Component 1** aims to lower trade costs through trade facilitation, including border infrastructure and regulatory reforms. This provides a further opportunity to harmonize trade facilitation regimes. The component will focus on a Covid-19 response to support border agencies to manage goods safely and quickly, both during and after the Covid-19 crisis. The

project will finance the expansion and rehabilitation of the Muloza (Malawi) to Milange (Mozambique). The focus will also be on upgrading strategic capabilities (equipment, buildings, international accreditation, and skills development) to facilitate the movement of agricultural commodities along the corridors and to meet specific demands of private operators. The project under this component will also finance backup power supplies for border offices and installation of automation for the management of import and export of products for agricultural trade to build resilience for data storage.

Small and Medium Enterprises (SMEs) and Women traders will also be supported under this component for small goods border trading. The project through the Standards and Sanitary and Phytosanitary (SPS) agencies finance the identification of critical products and design special regimes and Standard Operating Procedures (SOPs) for expedited clearance, to implement risk management to strengthen pest and disease management, the support goes to facilitate the movement of key export oriented agricultural commodities along the corridors and to meet specific demands of private operators, through MBS and DARS with equipment, capacity, accreditation, and training to enable Malawi's key exports tea, coffee, groundnut, soya and mango reduce rejection rates in export markets and allow for tests and certification to be internationally recognized. Support will be provided to detect pesticide residues, mycotoxins, heavy metals, and microbial contamination. Malawi's DAHL's regional laboratories diagnostics capacities in Blantyre and Lilongwe will be strengthened to test and detect animal diseases and be accredited in microbiology, toxicology, and I-2 ND vaccine with the potential to increase Malawi's livestock and poultry exports along the corridors and in southern Africa. The project will help the Public Private Partnership Commission (PPPC) in Malawi to improve their institutional capacity and their strategies to develop transport, connectivity, and logistics

## **Component 2.**

will provide support to the existing Nacala Development Corridor Tripartite Committee (NDCTC) that helps to strengthen regional coordination. The project will provide financing for an interim secretariat and two meetings of the NDCTC each year for 6 years, as well as support to the National Trade Facilitation Committees (NTFC). The NTFC will be a vehicle for the project to engage with senior decision-makers for their buy-in and technical experts throughout the three governments to participate in project design, implementation and to carry them forward after the conclusion of the project. Furthermore, the project will support the

development and implementation of pandemic/climate events-related corridor-wide responses to ensure adequate trade flows between the corridor countries. Government agencies will identify priority products for special handling and tax treatment, draft Standard Operating Procedures (SOPs) and train staff to implement them. The NDCTC will prepare staff to use the SADC SOPs and guidelines.

The component will also finance the operations and staffing in key fiduciary and technical positions of Project Implementation Units (PIU) within MoTPW in Malawi and MTC in Mozambique. The PIU will support the ministries in the daily management and implementation of the project in non-infrastructure related activities. The project will also finance the implementation of environmental and social safeguards; development, operation, and maintenance of a grievance redress mechanism (GRM); and Communication, Citizen Engagement and Stakeholder coordination activities.

The component will also finance steering committees that involve the main counterparts in each country. Activities under this component will support monitoring and evaluation (M&E) efforts including the design and implementation of Geo-Enabling initiative for Monitoring and Supervision (GEMS). This component will fund the collection of project data, gender analysis, and sector-based surveys to assess progress against project indicators, as needed. If possible, the project will also finance an impact evaluation to better measure impact of key initiatives. All activities and data collection will be gender disaggregated.

**Component 3** aims to expand the productivity and market opportunities of the private sector along targeted value chains in the catchment areas of the project. This is important in the economic recovery from COVID-19 and can put the countries in a better position against future shocks, including those related to climate change and further pandemics. The project will support efforts by the governments of Malawi and Mozambique to address market failures impacting investments, expanding these efforts to have a regional integration approach. The component will expand existing risk-sharing facilities in Malawi and Mozambique, incorporating further a regional integration approach. In Malawi, the sub-component will build on the Agricultural Commercialization Project (P158434) and expand the matching grant program to develop productive partnerships between lead firms and smallholders along the corridor. In addition, the component will finance upstream investments to generate private sector participation and capacity building for main actors in the targeted value chains through a regional integration lens. In addition, the component will finance



upstream investments to generate private sector participation and capacity building for main actors in the targeted value chains through a regional integration lens. The project will: Support public upstream investment including through feasibility studies, bidding documents, and small works that can generate conditions for private-sector investment through a regional integration lens; Capacity building to small-scale cross-border traders in organization, as well as management of inventories; Capacity building to small-scale producers, emerging farmers, and firms; and Capacity building on financial institutions.

**Component 4** will finance the rehabilitation and maintenance of key corridor roads and anchors to economic centers in selected districts/provinces in both Malawi and Mozambique. This will include design studies and supervision activities. The project will adopt the Performance-Based Road Based Maintenance Contracting (PBMC) approach to implement rehabilitation and maintenance works in Malawi and Mozambique. A road safety component will finance a Road Safety Implementation Plan that will be prepared in the first year of project implementation.

This LMP applies to components 1, 2 3, and 4 as the activities under these components are associated with some OHS aspects, and the project involves the recruitment of a number of skilled and unskilled project workers that are likely to be involved in the project; identifies, analyses and evaluates the labour-related risks and impacts of the project activities; and set out procedures to meet the requirements of ESS2, ESS4 and applicable national legislation. It also provides for the establishment of a workplace grievance redress mechanism (GRM) while recognizing the fact that public servants have an internal structure for addressing grievances that could also be used by the civil servants involved in the project.

## **2 RATIONALE AND OBJECTIVES OF THE LABOR MANAGEMENT PROCEDURES**

The implementation of the SATCP will bring a number of labor risks affecting workers as well as community health and safety. The risks include but not limited to Child labor, Gender Based Violence (GBV), Sexual Exploitation, Sexual Harassment, spread of HIV and AIDS, delayed wages, unnecessary use of migrant workers and occupational health and safety issues such as failure of contractors to provide appropriate PPE to their workers and workers' failure to adhere to mandatory use of PPE. The risks are well understood and expected to have limited impact as they can largely be avoided, minimized or managed through procedures, including procedures set out in this LMP. This LMP will therefore put in place measures that

will avoid and minimize the occurrence of labor related challenges in the implementation of the project. Among the measures; is ensuring full involvement (in all stages of the project) of all relevant stakeholders, both public and private e.g. Labor officers at all levels to help in monitoring compliance with labor laws and the provisions of this LMP by the contractors and all other employers under the project. Adhering to these procedures, Project contractors as part of contractors' legal obligations will be required to prepare a code of conduct and terms and conditions for their workers that will be verified by the Roads Authority.

The Malawi Government recognizes that sound worker-management relationships, fair treatment of workers, promotion of gender equality and protection from Gender-Based violence/Sexual Exploitation and Abuse (GBV/SEA) and provision of safe and healthy working conditions enhances development benefits of a project.

It is for this reason that these labor management procedures have been developed for the SATCP. The objectives of the labor management procedures are to:

- promote safety, health and welfare at work;
- promote appropriate labor practices which include non-discrimination and equal employment opportunity to all eligible community members.
- protect workers, including vulnerable workers such as women, persons with disabilities, migrant workers, contracted workers, community workers and primary supply workers, as appropriate.
- prevent all forms of gender related abuses such as sexual harassment, sexual exploitation and abuse, and violence at the project sites.
- prevent the use of all forms of forced labor and child labor;
- support the principles of freedom of association and collective bargaining of Project workers in a manner consistent with national law; and
- provide Project workers with accessible means to raise workplace grievances.

### **3 OVERVIEW OF LABOUR USE ON THE PROJECT**

Management of Labour and Working Conditions is the crucial component of the national legislation as well as World Bank Environmental and Social Standard 2 (ESS2). All the mentioned legal framework requires project proponent, to develop LMP to the project in order to identify the main labor requirements and risks associated with the project, and also to determine the resources necessary to address project labor issues.

As per ESS2, this LMP is applicable to all types of workers: direct workers, contracted workers and short-term consultants, primary supply workers, community workers, and migrant workers, whether full-time, part-time, temporary, seasonal or migrant workers. In this regard, this LMP covers:

- People employed or engaged directly by the Roads Authority to work specifically in relation to the Project;
- People employed or engaged by contractors to perform work related to core function of the project, regardless of location;
- People employed or engaged by the Roads Authority's primary suppliers

### **3.1 Number of Project Workers**

It is expected that about 1500 workers will be engaged during the implementation of the activities under SATCP. These include employees recruited by the Roads Authority, consultants and contractors of the various subcomponents.

### **3.2 Type of Workers**

It is expected that the Project will engage the following categories of workers:

**Direct Project workers:** Direct workers include: Project Coordinator and Technical Team members. These would also include independent consultants, who are specialized in certain disciplines which include but not limited to Financial Management Specialist, Procurement Specialist, Environmental Specialists, Social Safeguard Specialists, OHS Specialist and M&E Specialist.

**Contracted Workers and Short-term Consultants:** This will include Consultants, Contractors and sub-contractors hired for design, for construction and supervision activities. The contractors' and sub-contractors' workforces will also be considered to be contracted workers. The project will also engage firms to provide special services such as trainings on HIV and AIDS, GBV/SEA prevention and response whose workers (specialist) will also be categorized as contracted workers. The contractors will train their workers in OHS (risk assessment and safe working environment topics) and ESMP mitigation measures.

**Community Workers:** Any Community Workers participating in the project or sub-project activities will participate within the framework of individual or community agreements. As with other types of project workers, supervision of Community Workers will include

checking the safety of the work environment, confirming the age of community workers, and ensuring the terms of the agreements governing the work are in compliance with ESS2. The Contractors will be required to recruit particularly the unskilled labor from the communities that fall along the project catchment area which are identified in the Stakeholder Engagement Plan.

For all classes of workers, the Project will make every effort to ensure that no children or forced labour are recruited and supplied as workers. Monitoring will also be used to ensure compliance with the project Code of Conduct (CoC). Any deviation from the CoC identified by the Project will result in action as prescribed in the contract/ agreement and consistent with the LMP.

**Migrant workers:** The project shall require the contractors to engage workers from the locality of the project catchment area. However, where skilled workers are not available in the locality, it is expected that workers from nearby communities or other parts of the country or other country in case of expatriate labor will be involved. All workers from other districts will be employed through the District Commissioner’s office.

**Primary supply workers:** As part of the environmental and social assessment, the project will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers. All primary suppliers are formal businesses who are required to procure and produce materials subject to high standards, compliant with district By-laws and national legislation. Any new supplier will be vetted in regard to compliance with taxes, certification, licensing, and Public Liability Certificate. Only primary suppliers that meet the relevant requirements of this LMP will be engaged.

**3 ASSESSMENT OF KEY POTENTIAL LABOR RISKS**

**3.1 Project activities**

Significant use of labor is mostly expected to arise from the civil works and supporting activities (quarry stone collection, transportation of materials, etc.) during the following interventions under the SATCP:

- Expansion and rehabilitation of the Muloza border post
- Construction of the inland examination centers in Lilongwe and Blantyre respectively
- Support for investments in corridor value chains (agribusiness equipment, last mile infrastructure, capabilities, and improved agriculture practices)

- Development/rehabilitation of small-scale irrigation and warehousing infrastructure; rehabilitation of feeder roads; and improved access to electricity
- Expansion of the risk sharing funds to proposals in complementary areas along the corridors especially on logistics development, establishing logistic cold chains, upgrading silos under warehousing management contracts (leveraging on public infrastructure that is underused); and developing aggregation points including dry ports connected to transport and port infrastructure
- Enhancing transport infrastructure (major road upgrade)
- Improvements in road safety that include measures to improve the flow of traffic, management of speed, signage, post-accident care, emergency services and the development of rest stops
- Restoring basic road connectivity infrastructure (repairs/replacements to the drainage system, and structures like bridges, drifts, and pavement) and trade facilitation infrastructure (borders posts)

Workers will be involved in a number of activities that may pose safety and health risks to them. These activities include the following:

- transportation and operation of equipment (bull dozers, caterpillars, heavy duty vehicles, stone crushers, etc.);
- clearing within the project area, workers' yards, borrow pits sites, quarry sites and access roads; transportation of construction materials (e.g. stone aggregates, sand, cement, gravel, bitumen, etc.);
- construction of workers yards;
- clearing of access roads and diversions;
- excavation and stockpiling of excavated materials (gravel and aggregate stone); operation of cement/asphalt batch plant;
- Cordoning and fencing areas, which will be designated as construction sites
- Construction of bypass roads; and
- Construction of different facilities

### **3.2 Key Labor Risks**

The main labor risks associated with the project activities during construction and operational phases are due to the potentially hazardous work environment, associated risk of accidents, and incidents, community health and safety risks, including SEA risks and labor influx. Based

on current conditions in the sector it is assessed that the risk of child or forced labor is low, and already managed through national legislation. Nevertheless, the following have been identified as potential labor risks that may arise in the course of the project lifespan hence need mitigation measures in place:

- Occupational Safety and Health risks during construction, includes but not limited to;
  - Slips and trips;
  - Fall from height;
  - Cuts and bruises from sharp objects;
  - Ergonomic hazards due to lifting of heavy loads;
  - Traffic accidents
  - Exposure to Noise and Vibrations
  - Exposure to Dust
  - Exposure to chemicals.
- Exposure to harsh weather conditions
- Risk of spread of COVID-19;
- Noncompliance with labor laws and regulations by the contractors;
- Influx of migrant workers;
- Discrimination;
- Gender Based Violence (GBV), Sexual Exploitation and Abuse (SEA), and Sexual Harassment.;
- Child labor and forced labor;
- Risk of contracting HIV and AIDS and STIs
- Risk of contracting communicable diseases.

The Project will address these risks by undertaking site specific risk assessments and incorporating mitigation measures for the identified risks into the Project specific environmental, social, health and safety management plans.

Table 1: below presents a summary of the possible mitigation measures for the potential identified risks.

**Table 1: Possible mitigation measures for the potential risks**

Potential Risks	Mitigation measures
<b>Occupational Safety and Health Risks during</b>	<ul style="list-style-type: none"> <li>• Develop an Occupational Safety and</li> </ul>

Potential Risks	Mitigation measures
<p><b>construction</b></p>	<p>Health Management Plan and enforce its implementation in order to avoid/minimize occupational health and safety risks;</p> <ul style="list-style-type: none"> <li>● Provide appropriate personal protective equipment (PPE) to people working subprojects. Contractors will enforce use of PPE through a PPE no Pay work policy and this will be indicated in the Code of Conduct. .</li> <li>● Presence of a qualified OHS Supervisor to ensure implementation of OHSMP</li> <li>● Provide fully stocked first aid kits under the charge of a trained First Aider at all times;</li> <li>● Provide Training on First Aid and proper use of PPE</li> <li>● Provide adequate warning sign in all areas where safety risks are high.</li> <li>● Report any accidents to relevant Authorities in accordance with national legislation.</li> <li>● Investigate and report any accidents or incidents to the World Bank within 24 hours of accident occurrence.</li> <li>● Provide training on health and safety for all workers.</li> <li>● Prepare and implement waste management plan, focus on: <ul style="list-style-type: none"> <li>● Reducing waste</li> <li>● Recycle and reuse waste</li> <li>● Hazardous chemical</li> </ul> </li> </ul>

Potential Risks	Mitigation measures
	<ul style="list-style-type: none"> <li>● Safe storage and disposal of wastes</li> <li>● Prepare transport management plans</li> </ul>
<p><b>Risk of COVID- 19 to workforce and Local Community</b></p>	<ul style="list-style-type: none"> <li>● Develop and implement COVID 19 prevention guidelines in accordance with the Public Health (Corona virus and COVID-19) (Prevention, containment and Management) Rules, 2020.</li> <li>● Measure the temperature for workers and visitors to the work sites</li> <li>● Observe physical distance and practice personal hygiene</li> <li>● Provide PPE: Facemasks, gloves, and any other required PPE to all workers. Never share masks, gloves or any PPE. Further to this, wearing of masks mandatory on work sites.</li> <li>● Make available Cleaning water and soap at the campsite gate as well as at the work sites to ensure that everyone washes his/her hands before entering and when leaving the campsite and worksites. Where the use of water and soap is not possible, hand sanitizer shall be provided to all workers. (Annex 3).</li> </ul>
<p><b>Non-compliance with labor laws and regulations by Contractors and workers.</b></p>	<ul style="list-style-type: none"> <li>● Both Contractors and Workers should sign a Code of Conduct before commencement of construction works, which contains among other issues, labor related laws and regulations; and</li> <li>● Sensitize workers on labor related issues</li> </ul>



Potential Risks	Mitigation measures
	and regulations to ensure that they comply.
<p><b>Increased risk of influx of migrant workers – Competition over local resources</b></p>	<ul style="list-style-type: none"> <li>● Engage all non-skilled labor force from surrounding communities to minimize the risk of migrant workers and associated negative impacts. In situations, that the required skills are found within the surrounding communities these should be given priority.</li> </ul>
<p><b>Gender Based Violence and sexual exploitation and abuse</b></p>	<ul style="list-style-type: none"> <li>● Inform project affected communities about GBV/SEA/SH risks, as part of stakeholder consultations;</li> <li>● Map out GBV prevention and response services in project area of influence;</li> <li>● Develop GBV/SEA Referral Pathways;</li> <li>● Make certain the availability of an effective grievance redress mechanism (GRM) which is GBV/SEA responsive, with multiple channels to initiate a complaint (parallel GBV GRM may be warranted);</li> <li>● Establish Community and workers’ GRCs and ensure they have capacity to prevent and respond to GBV/SEA, OHS and social and environmental issues</li> <li>● Develop a GBV Action plan including an Accountability and Response Framework, as part of project ESMPC<i>Consider</i> having a GBV specialist on the project</li> <li>● Evaluate the contractor’s GBV response</li> </ul>

Potential Risks	Mitigation measures
	<p>proposal in the Contractors, the contractor's ability to meet the project's GBV requirements.</p> <ul style="list-style-type: none"> <li>● Consider oversight through an independent Third Party Monitor (TPM) with experienced GBV staff;</li> <li>● Implementation Agency to recruit GBV Service Providers to facilitate access to timely, safe and confidential services for survivors to be considered.</li> </ul>
<p><b>Child labor – Disturbance of child's education, health and safety</b></p>	<ul style="list-style-type: none"> <li>● Sensitize surrounding communities on issues of child labor;</li> <li>● Employ people that are aged 18 and above;</li> <li>● Use national IDs to verify age of prospective employees.</li> <li>● Restrict workers from buying merchandise from children.</li> <li>● Enforcement of the laws on child labour, sexual harassment,</li> </ul>
<p><b>Risk of contracting HIV and AIDS and other STIs -Risk extended to both workforce and local community</b></p>	<ul style="list-style-type: none"> <li>● Sensitize workers and surrounding communities on HIV and AIDS and other STIs;</li> <li>● Provide free condoms to workers; and</li> <li>● Provide Information, Education and Communication materials on HIV and AIDS and STI's to workers.</li> <li>● Enforcement of laws on sexual harassment, prostitution and gender equity</li> </ul>
<p><b>Sexual Exploitation and Abuse – Both for workforce and local communities</b></p>	<ul style="list-style-type: none"> <li>● SH Action plan;</li> <li>● Carry out community sensitization on</li> </ul>

Potential Risks	Mitigation measures
<p><b>particularly under</b></p>	<p>GBV/SEA/SH;</p> <ul style="list-style-type: none"> <li>● Carry out sensitization for girls</li> <li>● Carry out sensitization campaign jointly with schools in project's surrounding areas</li> <li>● Women and girl's economic empowerment; and</li> <li>● Prepare, adopt and implement workers code of conduct.</li> </ul>
<p><b>Discrimination and exclusion of vulnerable groups;</b></p>	<ul style="list-style-type: none"> <li>● Development of Grievance Redress Mechanism (GRM); and</li> <li>● Implement a deliberate policy for gender equality where all genders will have equal opportunities and no discrimination will be tolerated .</li> <li>● Develop deliberate mechanism to monitor participation of vulnerable groups in all activities</li> </ul>
<p><b>Labor disputes and conditions of employment.</b></p>	<ul style="list-style-type: none"> <li>● Establishment of Workers' Grievance Redress Mechanism (GRM); and</li> <li>● Development of LMP.</li> </ul>

## **4 BRIEF OVERVIEW OF LABOR RELATED LEGISLATION**

### **4.1 Occupational Safety, Health and Welfare Act (1997)**

The Act regulates work conditions with respect to safety, health, and welfare of workers. It gives responsibilities on safety and health at workplace to both employers and workers. As stipulated in section 13(1), employers are entrusted with an obligation of ensuring safety, health and welfare of all employees. The Act makes it mandatory for employers to provide appropriate Personal Protective Equipment (PPE) to employees that might be exposed to hazards. On the other hand, workers have a duty to take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work. In line with provisions of this Act, every employer under this project (Roads Authority, Contractors, Consultants and Primary Suppliers and Service Providers) shall have to ensure that there is adequate protection for their workers.

The construction activities under the SATCP COMPONENT 4 will therefore require all workers to be provided with appropriate PPE. Some of the protective clothing during construction shall include boots, helmets, gloves, overalls and goggles.

Workers at construction sites will be informed of any hazards associated with their work and preventive measures.

### **4.2 Employment Act (2000)**

The Employment Act of 2000 makes provision for establishment, enforcement and regulating minimum standards of employment. The purpose of the Act is to ensure equity necessary to enhance industrial peace, accelerated economic growth and social justice.

The Act prohibits employers from discriminating against employees on the grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status or family responsibilities in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship. Furthermore, it prohibits forced labor and child labor.

The SATCP will be implemented in line with the provisions of Employment Act (2000). Among other things, it will be mandatory for this

#### **4.3 Workers Compensation Act (2000)**

The Workers Compensation Act of 2000 provides for compensation for injuries suffered or diseases contracted by workers in the course of their employment or for death resulting from such injuries or diseases. Section 4 (1) states that if an injury, other than the contraction of a scheduled disease, arising out of and in the course of employment is caused to a worker, the employer shall, subject to this Act, be liable to pay compensation in accordance with this Act.

To comply with this Act, SATCP will ensure that all eligible occupationally injured workers are compensated accordingly. As such, contractors and all other employers under this Project will be sensitized on the provisions of the Workers Compensation Act.

#### **4.4 The Labor Relations Act, 1996;**

The Labor Relations Act promotes sound labor relations through the protection and promotion of freedom of association, encourages effective collective bargaining and promotes orderly and expeditious dispute settlement, conducive to social justice and economic development.

Part V of the Act stipulates dispute settlement procedures by presenting ways and channels of dispute resolution. Furthermore, it encourages the establishment of internal dispute handling machinery as a primary platform to receive and handle workplace matters before the involvement of a third party.

Pertaining to this, SATCP will utilize the Workers' Grievance Redress Mechanism set out under the project, to provide an opportunity for reporting and settling of grievances from workers. In order to promote contact and dialogue, Safety Committees shall be instituted at each construction site as per the requirement under section 21 of the Occupational safety, Health and Welfare Act of 1997.

#### **4.5 Gender Equality Act 2013**

The Gender Equality Act, 2013, among other things, promotes gender equality, equal integration, influence, empowerment, dignity and opportunities, for men and women in all functions of society, to prohibit and provide redress for sex discrimination, harmful practices and sexual harassment. Section 7 of this Act sets a provision for workplace policy to address issues of sexual harassment. Sexual harassment may be in a form of physical conduct like rape, verbal conduct like comments on a worker's appearance and nonverbal conduct like whistling. The main objective of this section is to eliminate all forms of sexual harassment emanating from work environments. It encourages the formation of grievance redress

mechanism where sexual harassment cases are to be reported and through which all perpetrators are disciplined accordingly. Since victims of abuse are at risk of becoming trapped in a cycle of abuse, matters of sexual harassment need to be dealt with seriously, expeditiously, sensitively and confidentially. Employers have a mandate to protect all employees from sexual victimization, vengeance for reporting sexual grievances and false accusations.

To address all sexual harassment issues, SATCP will implement a Workplace Policy on Sexual Harassment as provided under part 7.1. Gender Equality Act 2013, requires that persons subjected to sexual harassment exhaust internal sexual harassment procedures before commencement of prosecution or civil proceedings in the court of law. In view of this, a parallel structure to GRM, will be deliberately put to handle all issues on SEA and GBV that will be reported from the worksite. This structure will comprise of well trained and independent persons/firm to provide advice and counseling to the victimized.

#### **4.6 Gender Policy 2015**

The Gender Policy aims at guiding gender mainstreaming and women empowerment initiatives for attainment of gender equity and equality in Malawi. The policy emphasizes on inclusive approach in all developmental matters.

Policy Priority Area 7 talks of Gender Based Violence. The GBV which is especially violence against women, girls and the vulnerable groups, has been recognized by the Malawi Government as a severe impediment to social well-being and poverty reduction. If national development is to be achieved, then eradication of GBV is critical. For this reason the policy statement requires that; laws and policies shall be formulated and enforced to eliminate GBV and human trafficking; response and access to socio economic services are improved to address gender based violence and human trafficking; and knowledge, attitudes and practices on Gender Based Violence are improved.

To mitigate GBV during the implementation of SATCP, Contractors shall be tasked to address the risks of GBV through; conducting compulsory training and awareness to workers advising them to refrain from unacceptable conduct toward local community members, specifically women. These trainings can be repeated from time to time; enlighten workers about national laws that make sexual harassment and gender-based violence a punishable offence.

Policy Priority Area (PPA) 5 talks of Gender in Governance and Human Rights. This PPA states of women's active participation in politics and decision-making positions is a right and ensures good governance, transparency and accountability. Women and men should be equally represented in politics and decision-making positions to fully realize democracy and achieve sound governance and sustainable development in Malawi.

Deliberate actions need to be adopted to make sure that women and youth are included in decision making positions and in economic activities. For this reason, SATCP is going to give priority to women with construction skills to take part in civil works activities. In the same scenario, all committees for SATCP, will have a 30 percent quota for women inclusion.

#### **4.7 Malawi National HIV and AIDS Policy (2003)**

The Malawi National HIV and AIDS policy was adopted by government in 2003. Its main goal is to prevent HIV and AIDS infections, to reduce vulnerability to HIV and AIDS, to improve the provision of treatment, care and support for people living with HIV and AIDS and to mitigate the socio-economic impact of HIV and AIDS on individuals, families, communities and the nation.

Chapter 7 of the Policy observes that in workplaces unfair discrimination against people living with HIV and AIDS has been perpetuated through practices such as pre-employment HIV and AIDS testing, dismissal for being HIV and AIDS positive and the denial of employee benefits if known to be infected. HIV and AIDS affects every workplace. Absenteeism and death impact on productivity, employee benefits, production costs and workplace morale.

The Project will have the potential to create job opportunities to the locals that will make them have disposable income and this can lead to sexual interaction between workers which will likely accelerate the spread of HIV and AIDS. Cognizant to this, Contractors will be required to develop and implement HIV and AIDS workplace policy which among other thing will provide for prevention, treatment, care, support and impact mitigation Programmes.

#### **4.8 International Labor Organization (ILO) and United Nations (UN) Conventions**

Malawi is a signatory to International Labor Organization (ILO) and United Nations (UN) Conventions. Such being the case, most of the provisions in the ILO Conventions are incorporated in Malawi's labor related legislation. These include:

- ILO Convention 87 on Freedom of Association and Protection of the Right to Organize;
- ILO Convention 98 on the Right to Organize and Collective Bargaining;
- ILO Convention 29 on Forced Labor;
- ILO Convention 105 on the Abolition of Forced Labor;
- ILO Convention 138 on Minimum Age (of Employment);
- ILO Convention 182 on the Worst Forms of Child Labor;
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 111 on Discrimination (Employment and Occupation).
- ILO Convention 155 on Occupational Safety and Health
- ILO Convention 187 on Promotional Framework on Occupational Safety and Health
- ILO Convention 190 on Violence and Harassment at Work

Table below provides a summary of relevant provisions in labour related legislations in Malawi



**Table 2: Relevant Provisions in Labor Related Legislation in Malawi**

	<b>Issues</b>	<b>Malawi Legislation</b>
1	Fundamental employee rights, non-discrimination	This is provided for under Part II of the Labor Relations Act (1996)
2	Contractual arrangements, terms and working conditions of workers	This is provided for under Part V and VI of Employment Act (2000)
3	Working hours	This is provided for under Part VI of Employment Act (2000) specifically Section 36 which is on ‘Normal working hours, weekly rest etc.’; and Section 37 on ‘Maximum daily working hours’.
4	Salaries and wages and frequency of payments	This is provided for under Part VII of Employment Act (2000) specifically on Sections 50 to 55
5	Leave provisions – annual, maternity, sick and holidays	This is covered in Employment Act (2000) specifically under Part VI (sections 40,44,45,46 and 47)
6	Retrenchment/termination of contract arrangements	This is provided for Under Part V Sections 28, to 31 of the Employment Act of 2000, Employment (Amendment) Act 2010
7	Prohibition against all forms of child labor	This is provided for under Part IV of the Employment Act of 2000 on ‘Employment on young persons’ specifically in sections 21 to 24
8	Prohibition against forced labor	This is provided for under Part II of Employment Act (2000), specifically on section 4
9	Freedom or association and labor unions;	This is provided for under Part II of the Labor Relations Act (1996)
10	Dispute resolution/grievance management systems	This is provided for under Part V of the Labor Relations Act (1996)
11	Safety provisions	Covered under Part V and VI of the Occupational Safety, Health and Welfare Act of 1997
12	Health and employee welfare provisions	This is provided for under Part IV and VI of the Occupational Safety, Health and Welfare Act of 1997

## **5. RESPONSIBLE STAFF**

The Roads Authority in collaboration with District labor offices will assume overall responsibility for management of workers in the Project. However, implementation of the SATCP will be done in collaboration with several other stakeholders at national, district and community levels, as outlined in the SEP. These stakeholders will also be expected to assist in management of Project's workers within their areas of jurisdiction. Thus, successful management of Project workers requires clear definition of roles and responsibilities of key players and stakeholders. The following have been identified as key players in the implementation of this LMP:

### **5.1 Environmental and Social Safeguards Specialists**

The Environmental and Social Safeguard Specialists at the Roads Authority will ensure implementation and adherence to ESMP and mitigation measures and E&S safeguard measures. Specifically in collaboration with Ministry of Labor, will be responsible for:

- Preparing necessary guidelines and all forms needed;
- Implementing Labor Management Procedures;
- Monitoring of implementation of approved site-specific Labor Management plans;
- Monitoring implementation of the Worker's Code of Conduct.
- Building capacity of all relevant stakeholders including contractors in labor management issues including LMP;
- Provision of expert advice on labor management;
- Carrying out enforcement and monitoring role as stipulated by law;
- Carrying out periodical review of employment and working conditions;
- Monitoring and supervising contracted service providers to ensure that they manage their workers pursuant to the agreements in the contract;
- Handling grievances that have not been resolved by WGRMC; and
- Reporting to the World Bank on the progress of SATCP on at least a quarterly basis.

### **5.2 Consultants**

The consultants' OHS Specialist will be responsible for:

- Monitoring and verifying that EHSS impacts are prevented or kept to a minimum.
- Reviewing and approving method statements, in order to ensure that the EHSS specifications contained within this CESMP, Project ESIA and the Contract are

adhered to;

- Monitoring the undertaking by the Contractor of EHSS awareness training for all new personnel on site during construction and for maintenance activities;
- Ensuring that activities on site comply with all relevant EHSS legislation;
- Undertaking a continual internal review of the CESMP and submitting any changes to RA and/or institution in charge of environmental protection (Environmental Authority) and the concerned Lead Agencies (in case of major changes) for review and approval;
- Checking the register of EHSS complaints maintained and ensuring that the correct actions are/were taken in response to these complaints;
- Checking that the required actions are/were undertaken to mitigate the EHSS impacts resulting from non-compliance during implementation of the project works;
- Reporting all incidences of EHSS non-compliance to the Management of RA.
- Conducting monthly EHSS performance audits in respect of the activities undertaken relating to the project;
- Providing feedback on any EHSS risk issues at site meetings; Compiling Monthly, Quarterly and End of the Project EHSS Reports.

### **5.3 Contractors**

The Contractors will be responsible for:

- Ensuring protection of workers in line with the national labor laws;
- Creating awareness to workers on their roles including health and safety measures
- Provision of adequate and appropriate PPE to all workers.
- Maintaining records of recruitment and employment of workers;
- Communicating terms and conditions of employment to all workers;
- Bringing awareness to workers on Grievance Redress Mechanism;
- Providing induction (including social induction) and regular training to employees on labor protection requirements, including training on their rights under Malawi labor laws, risks of their jobs and measures to reduce risks to acceptable levels;
- Developing and implementing the workers, Code of Conduct
- Ensuring that all workers understand and sign the Workers Code of Conduct prior to the commencement of works;
- Supervising workers' compliance with Workers' Code of Conduct:

- Recording, processing and reporting grievances: and
- Recording and reporting all occupational accidents to relevant authorities

#### **5.4 Service Providers**

The service provider will be responsible for:

- Providing HIV/AIDS, GBV, SH, VAC, SEA, and child labour training to the members of Project Compliance Team (PCT). All Contractor's employees will be required to attend trainings and awareness on these social issues at least once a month.
- Preparation of a HIV/AIDS, GBV, SH, VAC, SEA, and child labour action plans and monitoring of their implementation. The action plans will clearly indicate the types and frequency of awareness campaigns and trainings to be conducted and the period they will be done;
- Conducting HIV/AIDS, GBV, SH, VAC, SEA, and child labour mobilization and awareness campaigns for community members and immediately reporting any issues and/or cases related to these social aspects. Should there be a HIV/AIDS, GBV, SH, VAC, SEA, and child labour case, the reporting channels for this Service Provider will automatically open to report directly to the World Bank.
- Monitoring and preparing monthly and quarterly progress reports on the implementation of HIV/AIDS, GBV, SH, VAC, SEA, and child labour action plans in the project. Evidence for Change will submit their reports to Roads Authority who will share them with the Consultant and Contractor for their information and action where applicable.

#### **5.5 Workers**

Every worker shall co-operate with the management so far as is necessary to enable smooth implementation of this LMP

- taking reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work;
- wearing PPE and following safe work environment procedures at all times;
- Comply with ESMP requirements in carrying out their work;
- carrying out any lawful order given to them, and obey the rules and procedures that are laid down in this LMP and other applicable law.

- not operate any machine or engage in a process for which is not authorized, not competent or which is unsafe or is an imminent risk to the employee's own health or safety and that of others;
- by following accident and incident reporting procedures, report, any accident or any situation which is unsafe or unhealthy through the established channels for prompt action
- not intentionally or recklessly interfere with or misuse anything provided in the interests of their health, safety or welfare and that of others

## **6 PRINCIPLES AND PROCEDURES**

Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. This section outlines the main policies and procedures to be followed during the implementation of the Project. When need arises, this section will be updated.

The Southern Africa Trade and Connectivity Project (SATCP) will be guided by an Occupational Safety and Health policy statement which is developed for this Project. The policy has been formulated based on the provisions under the Occupational Safety, Health and Welfare Act (1997), the Employment Act (2000), and the International Labor Organization (ILO) conventions to which Malawi is a party.

The principles and procedures presented below represent the basic requirements but should not be considered an exhaustive list of requirements. As specified in the legal framework presented in Chapter 4 of this procedure, employment of Project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including; recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment.

The following minimum requirements shall therefore guide the recruitment and management of Project workers:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender;
- Applications for employment will only be considered if submitted via the official application procedures established by the contractors or by Roads Authority
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post;
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract;
- Unskilled labor will be preferentially recruited from the affected communities, settlements and municipalities;
- Where notice of termination of contract is applicable, a party to terminate the contract will give the other party notice prior to date of contract termination in accordance with section 29 of Employment Act, 2000.
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer (in this case, the “Employer” would be the contractor);
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in a language that is understandable to both parties;
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation;
- Interpretation will be provided for workers as necessary. It is noted that language-related problems are not expected; and
- Foreign workers will require work permits that will allow them to work in Malawi; and
- All workers will be at least 18 years old.

The Roads Authority will require all contractors to develop and implement a Worker’s Code of Conduct. This will be reviewed by Roads Authority or the supervision consultant if it is consistent with the Roads Authority’s requirements. The suggested content of the Code of Conduct is included in the World Bank Standard Procurement Documents.

Under no circumstances, Project Management, Contractors, Material Suppliers, Service providers, Community workforce, Consultants (supervision, studies, etc.), or Sub-contractors, etc. will not engage in forced labor. Forced labor includes bonded labor (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods, retaining the worker’s identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable at the commencement of employment, loss or delay of wages that impede the workers’ right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis can be referenced or annexed to the LMP, together with any other supporting documentation. A similar obligation is required for the engagement of child labor.

**6.1 Occupational Health and Safety Policy Statement for the SATCP**

The policy will apply to all sites where SATCP activities will be implemented.

The SATCP will be committed to providing a health and safe working environment for its workers with an aim of preventing injury and illness including COVID 19 resulting from activities to be undertaken under the program.

The SATCP will ensure that exposure to occupational risks such as injuries, illness resulting from project activities are either eliminated or minimized.

Contractors that will be hired under the project will be trained and held responsible for ensuring that the policy is being followed during project implementation. In addition, the contractors will be accountable for ensuring that workers are suitably informed of potential hazards to which they may be exposed to at workplace and instructed and trained in the measures available for prevention and control and protection against such hazards. Contractors also have a general responsibility for ensuring the safety of equipment and facility to be used under the project.

The SATCP will ensure that all people employed under the project whether directly or through a contractor are protected from COVID 19 and provided with appropriate personal protective equipment and first-aid kit.

All occupational accidents will be reported to relevant authorities and shall be exhaustively investigated. The SATCP will ensure that all employees who have suffered Occupational injuries or diseases are duly compensated.

## 6.2 Occupational Safety and Health (OSH) compliance

The SATCP is committed to:

- i. Complying with national legislation, WB standards, and WBG EHS guideline, and other applicable requirements which relate to occupational health and safety hazards.
- ii. Enabling active participation in OSH risks elimination through the promotion of appropriate skills, knowledge, and attitudes towards hazards.
- iii. Continually improving the OSH management system and performance.
- iv. Communicating this policy statement to all persons working under the control of MoTPW/RA with emphasis on individual OSH responsibilities.
- v. Availing this policy statement to all interested parties at all MoTPW/RA facilities and sites.

The SATCP will have a designated Safety, Health, and Environmental and Social Representative for the workplace or a section of the workplace for an agreed period. At a minimum, the Representative must:

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

Further to avoid work-related accidents and injuries, the contractor will:









- i. Provide occupational health and safety training to all employees involved in works.
- ii. Provide protective masks, helmet, overall and safety shoes, and safety goggles, as




- iii. Appropriate (Table 3).
- iv. Provide workers in high noise areas with earplugs or earmuffs.
- v. Ensure availability of first aid box.
- vi. Provide employees with access to toilets and potable drinking water.
- vii. Provide safety and occupational safety measures to workers with Personal Protection Equipment (PPE) to prevent accidents during construction and installation activities and follow safety measures.
- viii. Properly dispose of solid waste at designated permitted sites landfill allocated by the local authorities and cleaning funds, and attach the receipt of waste from the relevant landfill authority.
- ix. Carry out all procedures to prevent leakage of generator oil into the site.
- x. Ensure that the head of the well is covered tightly.
- xi. Provide a secondary tank for oil and grease to avoid spills.
- xii. Further to enforcing the compliance of environmental management, contractors are responsible and liable for the safety of site equipment, labourers, and daily workers attending to the construction site and safety of citizens for each subproject site, as mandatory measures.

As stated above, where risk prevention and mitigation require provision of personal protective equipment (PPE), appropriate PPE will be provided to workers. The following personal protective equipment will be mandatory for all construction workers:

**Table 3: Mandatory Personal Protective Equipment**

Type of PPE		Type of workers
	Hard Hat	All workers
	Gum Boots/safety boots	All workers
	Reflectors	All workers
	Dust Masks/respirators	Depending on nature of work and associated hazards (dust/gases/vapors)
	Gloves	All Construction workers
	Safety Goggles	All Workers
	Medical/Cloth masks	All Project workers for control of spread of COVID-19
	First Aid Kit	Accessible to all workers

Type of PPE		Type of workers
	Overalls/ Work suits	All construction workers

The Contractors shall train workers on the use of PPE and First Aid kit. To ensure compliance with use of PPE, a policy of “No PPE, No Pay” will be applied. Annex 1 provides a Risk Assessment Tool, which will be used for identifying potential hazards and mitigation measures in all the construction sites.

Regarding reporting and immediate notification of incidents and accidents at work place, the Contractor shall report minor incidents to Project Management on a monthly basis and serious incidents and/or severe incidents (fatality or anticipated moderate to significant loss-time) (see table 3 below) with accident reporting format immediately within 24 hours to MoTPW/RA and the World Bank. Minor incidents are reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately within 24 hours, as suggested. The World Bank incident classification is indicated in Table 4 below.

Further to enforcing the compliance of environmental and safety risks management, contractors are responsible and liable for the safety of site equipment, laborers, and daily workers attending to the construction site and safety of citizens for each subproject site, as mandatory measures.

**Table 4: World Bank Incident Classification Guide**

<b>Indicative</b>
<ul style="list-style-type: none"> <li>• Relatively minor and small-scale localized incident that negatively impacts a small geographical areas or small number of people</li> <li>• Does not result in significant or irreparable harm</li> <li>• Failure to implement agreed E&amp;S measures with limited immediate impacts</li> </ul>
<b>Serious</b>
<ul style="list-style-type: none"> <li>• An incident that caused or may potentially cause significant harm to the environment, workers, communities, or natural or cultural resources</li> <li>• Failure to implement E&amp;S measures with significant impacts or repeated non-compliance with E&amp;S policies incidents</li> <li>• Failure to remedy Indicative non-compliance that may potentially cause significant impacts</li> <li>• Is complex and/or costly to reverse</li> <li>• May result in some level of lasting damage or injury</li> <li>• Requires an urgent response</li> <li>• Could pose a significant reputational risk for the Bank.</li> </ul>
<b>Severe</b>
<ul style="list-style-type: none"> <li>• Any fatality</li> <li>• Incidents that caused or may cause great harm to to the environment, workers, communities, or natural or cultural resources</li> <li>• Failure to remedy serious non-compliance that may potentially cause significant impacts that cannot be reversed</li> <li>• Failure to remedy Serious non-compliance that may potentially cause severe impacts Is complex and/or costly to reverse</li> <li>• May result in high levels of lasting damage or injury</li> <li>• Requires an urgent and immediate response</li> <li>• Poses a significant reputational risk to the Bank.</li> </ul>

## **7 GENDER BASED VIOLENCE, SEXUAL HARASSMENT AND SEXUAL EXPLOITATION AND ABUSE (GBV AND SEA)**

The implementation of the project will likely result in an influx of people in the construction sites resulting in the potential for Gender-Based Violence (GBV), Sexual Harassment and Sexual Exploitation and Abuse (SEA). Increase in disposable income for workers and communities working in the project could also result in GBV/SH/SEA incidences. Such incidences may arise in situations where large numbers of contractor' workers interact with poor communities, where household representatives that receive project benefits are forced to surrender the cash to spouses, where benefits may be used to lure adolescents into unsafe sexual practices, or in cases of forced sexual relationships in return for favors. GBV/ /VAC and sexual harassment are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or within the local community. SATC project implementation will be in compliance with 6 Core principles of Interagency Standing Committee (IAC) on SEA. These principles were incorporated into the UN Secretary General's Bulletin on SEA in 2003. The bulletin outlines a zero-tolerance policy toward SEA, obliges UN staff to report incidents of abuse, and is binding on all UN staff,

including all agencies and individuals who have cooperative agreements with the UN and the following is a principle regarding age: “Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.”

There are well-founded concerns that projects involving major civil works can increase the risk of Gender-Based Violence (GBV), and in particular, Sexual Exploitation and Abuse (SEA). The project can create a power differential between those who are engaged in civil works and the project-affected communities, which can increase the opportunities for the members of the project-affected communities to be sexually exploited and abused. The risk of incidents of sex between laborers and minors, both girls and boys, can also increase. Besides the risks of SEA, incidents of Sexual Harassment (SH) can occur within project related entities. Perpetrators could be fellow workers or supervisors. Labor influx can also increase risk of sex-trafficking.

The Good Practice Note on Addressing Gender-Based Violence in Investment Project Financing involving Major Civil Works (GBV Good Practice Note) recognizes that major civil works may exacerbate GBV risks, notably risks for sexual exploitation and abuse (SEA) as well as sexual harassment (SH), by a range of perpetrators linked to project implementation in both public and private spheres in a number of ways, such as the following:

- a. Projects with a large influx of workers may increase the demand for sex work—even increase the risk for sex trafficking of women—or the risk of early marriage in a community where marriage to an employed man is seen as the best strategy for an adolescent girl’s livelihood. Furthermore, higher wages for workers in a community can lead to an increase in transactional sex. The risk of sexual relations between laborers and minors, even when it is not transactional, can also increase.
- b. Projects create changes in the communities in which they operate and can cause shifts in power dynamics between community members and within households. For example, men in the community may be agitated when they think that workers are interacting with women in the community or when female project employees begin to bring more income than usual back to the household. Hence, abusive behavior can occur not only between project staff and those living in and around the project site, but also within the homes of those affected by the project.

The RA, Consultants and Contractors are required to put in place administrative measures to prevent and minimize GBV/SEA/SHVAC with proposed preventive and mitigation strategies. The GBV risk of each subproject is assessed and categorized as Low risk, moderate risk, substantial risk and high risk. For Low GBV-Risk Projects the following mitigation measures will suffice.

- Include assessment of GBV risks in the project's Environmental and Social Impact Assessment (ESIA);
- Inform project affected communities about GBV risks, as part of stakeholder consultations;
- Map out GBV prevention and response services in project area of influence;
- Adequately reflect GBV risks, and measures to address them, in key safeguards instruments (i.e., Project ESMP, Contractor ESMP);
- Assess and strengthen the Implementing Agency's capacity to prevent and respond to GBV as part of project preparation
- Make certain the availability of an effective grievance redress mechanism (GRM) with multiple channels to initiate a complaint (parallel GBV GRM may be warranted for "substantial" and "high" risk projects);
- Clearly define the GBV requirements and expectations in the bid documents, including the requirement for a Code of Conduct (CoC) which addresses GBV (for ICB and NCB);
- Address how GBV-related costs will be paid in the contract, in the procurement documents;
- During implementation, ensure that CoCs are signed and understood by all contractors, consultants and workers.
- During works, provide separate sanitary facilities and change rooms for women & men, GBV-free zone signage.

**For Moderate GBV Risk Projects additional mitigation measures will include;**

- Develop a GBV Action plan including an Accountability and Response Framework, as part of project ESMP
- *Consider* having a GBV specialist in the Implementing Agency
- *Consider* having a GBV specialist in the supervision consultant's team

- Evaluate the contractor's GBV response proposal in the Contractor-ESMP and confirm prior to finalizing the contract the contractor's ability to meet the project's GBV requirements.

**For Substantial GBV Risk Projects additional mitigation measures will include;**

- GBV specialist in the IA (i.e. the Project Mgmt. Unit) to support project implementation is recommended;
- GBV specialist in the supervision consultant's team recommended;
- Consider oversight through an independent Third-Party Monitor (TPM) with experienced GBV staff;
- Implementation Agency to recruit GBV Services Providers to facilitate access to timely, safe and confidential services for survivors to be considered

**For High GBV Risk Projects additional mitigation measures will include;**

- Oversight through an independent Third-Party Monitor (TPM) with experienced GBV staff
- Implementing Agency to recruit GBV Services Providers to facilitate access to timely, safe and confidential services for survivors (including money for transportation, documentation fees, and lodging if needed).
- Reports must be made in accordance with project's SEA, child sexual exploitation and abuse and sexual harassment Allegation Procedures
- Establish and operationalize GRM whose approach is sensitive to issues of GBV and SEA
- Development of GBV prevention and response plan as part of ESMP template
- Community engagement and consultation to include GBV/SEA/SH sensitization.

All information will be treated as confidential and handled by a GBV Service Provider (GBV SP). The GBV SP will refer survivors to a safe and ethical aftercare services. Each GRMC will have GBV Champions who will be trained by the GBV SP to ensure they have the capacity to report the GBV/SEA incidents. There will be community awareness on the availability of GRCs and their responsibilities and in particular availability of GBV Champions in each GRC. For the Workers' GRCs, the GBV Champions will be known by all workers to enable survivors of Sexual Harassment to report their cases. The community members will be encouraged to report all criminal cases to police and inform the GBV Service Provider to follow up.

.All cases will be reported to the PIU within 24 hours.

### **7.1 Sexual Harassment Policy Statement**

SATCP is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. SATCP will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

## **8 AGE OF EMPLOYMENT**

As stipulated above, the Employment Act (2000) sets the minimum age of persons to enter into employment in Malawi as 18. This is also stipulated in the International Labor Organization Convention (138) on minimum age. These two legislations prohibit the employment of underage children. However, according to Section 21 of the Employment Act, children between the ages of 14 and 18 are allowed to participate in light work so long as it does not interfere with the child's education or harm the child's health or physical, mental, spiritual, moral or social development. Under the SATCP Component 4, children under the age of 18 will **NOT** be employed to work in different Project activities because the activities are regarded as hazardous for young persons. National Identity cards will be used to verify the age of workers. The following procedure will be followed if a child is employed:

- Underage workers identified will be removed; and
- The culprits of child labor shall be reported to relevant authorities where child labor issues are handled e.g. to the Labor Office.

All these conditions will be included in the codes of Conduct which will be signed by Contractors and all workers to ensure that the conditions are not only enforceable but are also legally binding. Further, awareness raising sessions will be conducted regularly to the communities to sensitize them on prohibition and negative impact of child and forced labor.

## **9 TERMS AND CONDITIONS**

The project will not engage community labours Government civil servants, who may provide support to the Project, will remain subject to the terms and conditions of their existing public

sector employment agreement or arrangement as provided in the Malawi Public Service Regulations (MPSR) and other government circular. The Roads Authority staff, including Project staff and consultants, will remain subject to the current terms and conditions at Roads Authority. The following terms and conditions will guide management of workers engaged by the contractors under the project:

- workers to be involved in the construction works should be at least 18 years of age:
- Workers will have an opportunity to negotiate their wages equal or above the government set minimum wage
- Difference in wages will not be influenced by race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status or family responsibilities or other matters arising out of the employment relationship.
- payment of wages will be done at most on monthly basis on the last day of each month;
- During recruitment of workers the Contractors will explain to them the working conditions prior to commencement of work. Section 27 of the Employment Act makes it mandatory for employers to give its employees a copy of the written particulars of employment, signed by both parties within one month of employment.
- Violation of Workers Code of Conduct will constitute misconduct.
- In ensuring full compliance with the law in this regard, contractors will be required to furnish Roads Authority with copies of the Written Particulars of Employment or copies of contract of all its workforce.

## **10. WORKERS GRIEVANCE REDRESS MECHANISM**

RA has an established Project's Grievance Redress Mechanism (GRM) to ensure that all persons that may be negatively affected by the project implementation including workers for the Contractors, have the ability and opportunity to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of issues. All workers for the Contractors under the Project will be informed of the GRM and the procedures that will be involved. These workers will be informed about the procedures during recruitment and in the course of the work.

The GRM handles all types of grievances including those work-related minus those criminal in nature arising from implementation of all the Projects under the SATCP.



Examples of Grievances that may come from workers include:

- i. Unfair dismissal from work;
- ii. Suspected corruption and theft cases;
- iii. Unsafe working conditions
- iv. Noncompliance with environmental conditions e.g. poor waste management, sourcing materials without approval etc.
- v. Lower wages than the minimum set by labor related legislation in Malawi;
- vi. Delayed wages;
- vii. Long Working hours/poor working conditions;
- viii. Child labor;
- ix. Gender based violence; and
- x. Sexual exploitation and abuse
- xi. Discrimination.

### **Implementation of the GRM**

The RA facilitates the formation of a committee at Contractor level referred to as the Workers Grievance Redress Committee (WGRC).

### **Composition of the WGRC**

A total of 6 to 10 workers with a representation of not less than 40% of either sex.

- Workers Representatives
- Contractor Representative (ESHS Personnel)
- Consultants Representative
- Service providers
- District Labour Officer
- Director of Public Works

The GRM is operated in five stages as follows;

### **Stage 1: Complaint Uptake**

All the workers present their complaints or grievances to the WGRC. In addition, complaints drop-in boxes are provided in all workplaces to facilitate easy uptake of grievances. Complaints are also to be channeled directly to the following address in writing or telephone:

*The Project Coordinator*

*Southern Africa Trade and Transport Facilitation Programme*  
*Roads Authority*  
*Private Bag B346*  
*Lilongwe 3*  
*Tel: +2651759156*  
*Email: nra@nramw.com*

**Table 5: Mechanisms to Identify and Receive Grievances**

	<b>Mechanism</b>	<b>Description</b>
1.	Direct contact to the site office	Through phone number, letter, email and social media such as WhatsApp or physically by visiting the site office. Anonymous grievances are accepted by phone.
2.	Contact with WGRC	Workers present their complaints or grievances to the WGRC
3.	Suggestion Boxes	Suggestion boxes are available at the contractor's camp, engineer's offices and at local government offices around the project area. This is potential channel for anonymous grievances for workers and community.
4.	Exit Interviews	GRM should consider introducing exit interviews as a way to gather feedback from employees on issues that they may not have been willing to raise while they were still working for the company.
5.	Information table	Having an information table at the work site on a regular day each week, where workers can ask questions or express concerns, is also a simple and effective way to encourage two-way communication.

The WGRC records all received complaints or grievances in a Workers Grievance Log and Resolution Form, 5. The case is only referred to District Grievance Redress Committee only if it has not been resolved at the WGRC. Otherwise, the preferred scenario is to have grievances resolved at lowest levels possible. Criminal cases are not handled by the respective WGRC, but are reported directly to the police.

**Stage 2: GRM Registry**

All grievances received are publicly entered into an accessible recording system as the GRM registries are maintained at the workers. The workers log and resolution form is in triplicate. For any case heard, closed or referred.

**Stage 3: Investigation, Assessment and Response**

When a complaint is received by GRC, the GRM provides that a resolution be provided within 14 working days. This is so to make sure that grievances/complaints are resolved as early as possible and that feedback is provided to the complainant. Once complaints are received, the WGRC assesses whether the complaint/grievance is related to the project or not. In case, complaints are not related to the project, workers are advised to channel their complaints to the right institutions.

**Stage 4: Resolution and Closure**

Where a resolution has been arrived at and the Grievant accepts the resolution, the PAP is required to sign the resolution and closure section in the Grievance Log and Resolution Form as attached, (Annex 5). Two members of the WGRC (Chairperson and Secretary) also counter signs. In the event that the grievance has not been resolved at WGRC, the Worker has the option of seeking legal redress from civil courts.

**Stage 5: GRM Monitoring and Evaluation**

The GRM evaluation can be undertaken alongside any other evaluation exercises for the project. This is possible using copies of registers. The monitoring assists to track whether the GRM system is working efficiently and effectively and informs the project to make any necessary adjustments. The evaluation helps to assess the impact of GRM in response to workers complaints and whether the GRM principles were met or not during the project implementation.

**Grievance Management Timeframe**

Reliable and realistic timeframes are a key part of a grievance management process since they add an element of certainty to the grievance management process and increase trust in the process when they are followed. Adherence to that, the project grievance management process follows grievance management time frame presented in Table 5 below.

**Table 6: Grievance Management Timeframe**

	<b>Process</b>	<b>Time frame</b>
1.	Acknowledge all grievances	Within one week of receiving the grievance
2.	Endeavour to have an initial resolution for a grievance	within one week of receiving the grievance
3.	For grievances where the investigation is more time consuming, the grievant should be informed of the situation and the timeframe to be followed	Within three weeks
4.	First review should aim to be completed	within two weeks of receiving the grievance
5.	Second review	Within four weeks of receiving the grievance

## **11. CONTRACTOR MANAGEMENT**

It is expected that under SATCP, contractors will be engaged for construction activities. In order to ensure fair competition and transparency, the selection of contractors will be based on the Government of Malawi's Public Procurement and Disposal of Assets Authority (PPDA) procedures which regulate the engagement of contractors. This includes:

- Competitive bidding through transparent open advertising;
- Shortlisting and selection of contractors and
- Contractual signing.

The Roads Authority will ensure that the requirements of the Labour and Working Conditions are incorporated into contractual agreements. Contractors will be required to develop a contractors' ESMP. The Contractor will also develop a code of conduct to be signed by their workers. These requirements will also be included in the bid documents and also reflected in the contractor's Contract. Similarly, it will ensure that issues concerning subcontracting are done with the consent of the Roads Authority. In ensuring that there is compliance with the requirements of, labor and working conditions, the project will regularly monitor and evaluate activities of contractors in line with the SATCP Monitoring and Evaluation Framework. The project will also strengthen awareness among workers to ensure that they are aware of their entitlements.

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

- i. **Labor conditions:** records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements.
- ii. **Safety:** recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth).
- iii. **Workers:** number of workers, the indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child labor is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- iv. **Training/ induction:** dates, number of trainees, and topics.
- v. **Details of any security risks:** details of risks the contractor may be exposed to while performing its work (the threats may come from third parties external to the Project).
- vi. **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken. Grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

**11.1 Code of Conduct**

The code of conduct aims at preventing and/ or mitigating social risks within the context of the Project. The social risks that may arise include but not limited to GBV; SEA, SH, child labor, forced labor, Non-payment of wages, VAC; HIV and AIDS, COVID-19, Safety, health and environmental issues. SATCP will ensure that Contractors develop a code of conduct that will require them and their workers to create and maintain an environment which prevents and/or minimizes social risks. The template of the Codes of Conduct is provided in Annex 4.

## **12 COMMUNITY WORK**

The project will likely not use community work where people work without pay or are paid in kind. Community workers are not currently used by Roads Authority in any projects due to the specialized labor needs required. However, they may include the use of community workers in a number of different circumstances including where labor is provided as a contribution to the project.

## **13 PRIMARY SUPPLY WORKERS**

The risk associated with the primary supply associated with the Project is assessed in this LMP. All primary suppliers are doing formal businesses who are required to procure and produce materials subject to high standards. Any new supplier is vetted using a different form that screens the supplier in regard to compliance with taxes, certification, licensing, and workmen's compensation. A separate form requires that the primary supplier identify the company's permanent staff, and declare any current or prior arbitrations as well as any criminal convictions. Registered suppliers are subject to regular review. The review is carried out twice annually and requires an Officer to visit the supplier's premises. The supplier evaluation form provides for the Commercial Services to report any labor irregularity is observed.

The STACP will also ensure, that any primary supplier to the project report fatalities, severe, or serious injury, and informs government authorities, in accordance with national reporting requirements as well as similar to the Project contractor report to the RA and World Bank immediately within 24 hours.

## **14 PUBLIC CONSULTATIONS AND DISCLOSURE**

### **14.1 Public Consultations**

During the preparation of the LMP, a number of consultations were held with different stakeholders. These stakeholders included members of the District Environmental and Social Committee (DESC); Non-Governmental Organizations, Government Departments and Agencies including Ministry of Labor which provides policy direction on labor issues in Malawi and community members around the proposed Project sites including vulnerable groups such as women, youth and people with disability.

## **14.2 Disclosure**

This Labor Management Plan will be disclosed to all stakeholders. The disclosure will be done after the Plan has been cleared by Government of Malawi and the World Bank.

The Project will use multiple methods to disclose the LMP in a manner that is commensurate with the nature of the identified stakeholders. For community level stakeholders and project workers, the LMP will mostly be disclosed through public meetings organized within the communities and work sites.

At National and District level, disclosure of the LMP will be done through meetings with the representatives and members of relevant MDAs and committees. The Project documents will also be accessible to stakeholders through Print and electronic media and in designated places within reach of stakeholders.

The documents will also be disclosed on Roads Authority website on 1st December 2021. The World Bank will also disclose the documents on their website.

## **ANNEXES**

### **ANNEX 1: RISK ASSESSMENT TOOL**

The objective of the risk assessment process is to evaluate potential hazards, then remove the hazard or minimize the level of its risk by adding control measures, as necessary. This

creates a safer and healthier workplace for workers under the project. The LMP requires that contractors develop and apply a Risk Assessment Tool which will be used for identifying potential hazards and mitigation measures in all the construction sites to ensure that workers health and safety is safeguarded.

A sample of a Risk assessment tool is provided below.

**RISK ASSESSMENT TOOL**

<i>What are the hazards?</i>	<i>Who may be harmed and how?</i>	<i>What are you already doing?</i>	<i>What further actions necessary?</i>	<i>How will you put The assessment into action?</i>			
Spot hazards by: ■ Walking around the workplace; ■ Asking workers what they think; ■ Checking safety instructions; ■ Contacting your supervisors <i>Don't forget long-term hazards</i>	Identify groups of people. Remember: ■ Some workers have particular needs; ■ People who may not be in the workplace all the time; ■ If you share your workplace think about how your work affects others;	List what is already in place to reduce the likelihood of harm or make any harm less serious	You need to make sure that you have reduced risks "so far as is reasonably practicable". An easy way of doing this is to compare what you are already doing with best practice. If there is a difference, list what needs to be done	Remember to prioritize. Deal with those hazards that are high-risk and have serious consequences first.	Acti on by Wh om	Acti on by whe n	Don e
Review your assessment to make sure you are still improving, or at least not sliding back.  If there is a significant change in your worksite, remember to check your risk assessment and where necessary, amend it			Review Date:				
Assessment completed by:			Signature:				

**ANNEX 2: STANDARD TERMS AND CONDITIONS OF EMPLOYMENT**

<p>1. Name of Worker:</p>
---------------------------



.....

2. Name of Contractor (as employer):  
.....

3. Date of commencement of employment:.....

4. The nature of work to be performed:.....

5. Rate at which the work is remunerated:.....

6. Method of calculating remuneration.....

7. Intervals at which remuneration is paid:.....

8. Normal hours of work:.....

9. Annual leave  
days:.....

10. Termination of contract and conditions to be followed:  
.....  
.....

11. Disciplinary procedure at workplace:.....

12. Terminal benefits package for terminated contract:.....

.....

Worker's Signature:  
.....

Contractor's  
Signature:.....

**ANNEX 3: COVID 19 GUIDELINES ON BEST PRACTICES FOR CONSTRUCTION SITES**



## **COVID 19 GUIDELINES ON BEST PRACTICES FOR CONSTRUCTION SITES**

1. Provide hand washing facilities with soap for all workers at all times
2. Workers should ensure that they frequently wash their hands for at least 20 seconds at every interval
3. Disinfect the sites as well as the equipment
4. Checking body temperatures for all workers reporting for work and any other visitors to the site on daily basis
5. Maintain minimum of 1-meter social distance
6. Identify and maintain a room to act as an isolation room
7. Introduce working shifts
8. Display posters or any related COVID 19 messages around the site
9. There should be no communal dishes served on site, and each worker should have an individual plate
10. Provide PPE to all workers and visitors
11. Ensure that all PPE is disinfected
12. There should be no exchange of PPE between workers
13. Conduct proper disposal of COVID 19 related PPE like masks and gloves
14. Include COVID 19 messages in the toolbox talks
15. Maintain a contact list for health personnel on site
16. Meetings should always be conducted on open air

### **ANNEX 4. Code of Conduct**

#### **CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL**

---

We are the Contractor,..... We have signed a contract with the ..... for the ..... in .....District under the **Southern Africa Trade and Connectivity Project (SATCP)**. Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of gender-based violence, sexual exploitation, sexual abuse and sexual harassment.

This Code of Conduct is part of our measures to deal with environmental and social risks related to the works. It applies to all our staff, laborers and other employees at the Works Site or other places where the works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the works. All such persons are referred to as “**Contractor’s Personnel**” and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that we require from all Contractor’s Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

**REQUIRED CONDUCT**

Contractor’s Personnel shall:

1. Carry out his/her duties competently and diligently;
2. Comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person;
3. Maintain a safe working environment including by:
  - a. ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health;
  - b. wearing required personal protective equipment;
  - c. using appropriate measures relating to chemical, physical and biological substances and agents; and
  - d. following applicable emergency operating procedures.
4. Report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. Not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel;

- 7. Not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
- 8. Not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
- 9. Not engage in any form of sexual activity with individuals under the age of 18, excepting case of pre-existing marriage;
- 10. Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
- 11. Report violations of this Code of Conduct; and
- 12. Not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor’s Personnel or the project’s Grievance Redress Mechanism.

**RAISING CONCERNS**

If any person observes behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly.

This can be done in either of the following ways:

- 1. Contact the Social expert or GBV/SEA expert in writing at this address.....
- 2. Or by telephone at .....or in person at .....; or
- 3. Call .....to reach the Contractor’s hotline (*if any*) and leave a message.
- 4. Put the grievance in a grievance box provided at strategic location in the project area.
- 5. Contact any member of the Grievance Redress Committees set for the community and for workers.

The person’s identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

There will be no retaliation against any person who raises a concern in good faith about any behavior prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

**CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT**

Any violation of this Code of Conduct by Contractor’s Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

SN	Act of violation of CoC	Penalty
1.	Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel;	Disciplinary action would include the following according to the nature of act of violation: <ul style="list-style-type: none"> <li>• Suspension</li> <li>• Immediate dismissal</li> <li>• Report to Police</li> </ul>
2.	Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;	Disciplinary action would include the following according to the nature of act of violation: <ul style="list-style-type: none"> <li>• Suspension</li> <li>• Immediate dismissal</li> <li>• Report to Police</li> </ul>
3.	Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;	Disciplinary action would include the following <ul style="list-style-type: none"> <li>● Immediate dismissal</li> <li>● Report to Police</li> </ul>
4.	Any form of sexual activity with individuals under the age of 18, excepting case of pre-existing marriage	Disciplinary action would include the following: <ul style="list-style-type: none"> <li>• Immediate dismissal</li> <li>• Report to Police</li> </ul>
5.	Discriminate or harass other employee (local or foreigner) or any other person concerned with the project on grounds of sex, tribe, religion, nationality, ethnicity, marital status or disability.	Disciplinary action would include the following according to the nature of act of violation: <ul style="list-style-type: none"> <li>● Suspension</li> <li>● IMMEDIATE DISMISSAL</li> </ul>
7.	Entertaining unauthorized visitations including minors on the worksite.	Disciplinary action would include the following: <ul style="list-style-type: none"> <li>● Suspension</li> <li>● IMMEDIATE DISMISSAL</li> </ul>

8.	Verbal conduct that leads to sexual harassment	Disciplinary action would include the following according to the nature of act of violation: <ul style="list-style-type: none"> <li>● Written warning</li> <li>● Suspension</li> <li>● IMMEDIATE DISMISSAL</li> </ul>
9.	Retaliation against any person who raises a concern	Disciplinary action would include: <ul style="list-style-type: none"> <li>● Suspension</li> <li>● IMMEDIATE DISMISSAL</li> </ul>

This document is solely held by *(name of contractor)*, it shall not be used, reproduced, altered or conveyed to third parties, partially or fully, without explicit authorization. Electronically issued document after approval of the original.

FOR CONTRACTOR’S PERSONNEL:

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact .....[enter name of Contractor’s contact person with relevant experience] requesting an explanation.

Name of Contractor’s Personnel:

.....

Signature:

.....

Date: (day month year):

.....

Countersignature of authorized representative of the Contractor:

Signature:

.....

Date: (day month year):

.....

## **ATTACHMENT 1: Behaviors constituting Sexual Exploitation and Abuse (SEA) and behaviors constituting Sexual Harassment (SH)**

The following non-exhaustive list is intended to illustrate types of prohibited behaviors:

### **(1) Examples of sexual exploitation and abuse include, but are not limited to:**

- A Contractor's Personnel tells a member of the community that he/she can get them jobs related to the work site (e.g. cooking and cleaning) in exchange for sex.
- A Contractor's Personnel rapes, or otherwise sexually assaults a member of the community.
- A Contractor's Personnel denies a person access to the Site unless he/she performs asexual favor.
- A Contractor's Personnel tells a person applying for employment under the Contract that he/she will only hire him/her if he/she has sex with him/her.

### **(2) Examples of sexual harassment in a work context**

- Contractor's Personnel comment on the appearance of another Contractor's Personnel (either positive or negative) and sexual desirability.
- When a Contractor's Personnel complains about comments made by another Contractor's Personnel on his/her appearance, the other Contractor's Personnel comment that he/she is "asking for it" because of how he/she dresses.
- Unwelcome touching of a Contractor's or Employer's Personnel by another Contractor's Personnel.
- A Contractor's Personnel tells another Contractor's Personnel that he/she will get him/her a salary raise, or promotion if he/she sends him/her naked photographs of himself/herself.

## ANNEX 5: WORKERS GRM Forms

### SATCP : Workers Grievance Log & Resolution Form

**District Name:**

Name of Catchment:		Sub Project Name		Dates:			
Names Dr/Mr/Ms/Mrs)		Address/Contact		TA& VGE			
Contacts/Email							
Ref No.	Date of Grievance	Official Recording	Grievance/Complaint	Follow-up/Investigation		Resolution Made	Referred to
				Date	Person Assigned		
G1							

If case is closed, GRM Committee members & complainant to sign below

GRM Committee Chair \_\_\_\_\_ Name & Signature of Grievant  
\_\_\_\_\_

GRM Committee Secretary \_\_\_\_\_ Date: \_\_\_\_\_

Referred to District

Ref No.	Date of Referral	Official Referring:	Name of Complainant: