



**TECHNICAL SUPPORT FOR DEVELOPMENT OF
ENVIRONMENTAL AND SOCIAL STANDARDS INSTRUMENTS FOR
NILE COOPERATION FOR CLIMATE RESILIENCE PROJECT**

DRAFT

LABOUR MANAGEMENT PROCEDURES (LMP)

FOR

**NILE COOPERATION FOR CLIMATE RESILIENCE (P172848)
PROJECT**

OCTOBER 2020

EXECUTIVE SUMMARY

The development objective of the Nile Cooperation for Climate Resilience Project (the Project) is to facilitate cooperation for climate resilient water resources management and development in the Nile Basin, focusing on two main thematic areas; climate-resilient water resources management and cooperative development. The project is expected to procure and install specialized equipment for 73 hydromet stations spread across 9 of the 11 Nile Basin Countries, and provide training for the staff that will be operating the equipment. The project will also finance specific strategic tools and analyses.

The Project is expected to utilize human resources from Nile Basin Initiative (NBI), implementing agencies (LVBC and NBD) and contracted workers. To enrich the Project's benefits, the NBI together with the implementing agencies and the World Bank (WB) recognizes the necessity of provision of safe and healthy working conditions, sound worker-management relationships, fair treatment of workers, and promotion of gender equality, protection of women from Gender-Based Violence (GBV), combatting worst forms of child labour, forced labour and trafficking in persons.

Labour Management Procedures (LMP) include the policies, rules, regulations, procedures and competencies which govern and regulate the workforce including skilled, semi-skilled and unskilled workers in an agency or organization. The general expectation is that the respective organization should have in place systems designed to best ensure workers are able to safely participate in employment. The NBI has developed this Labour Management Procedures (LMP) in accordance with the Environmental and Social Standard 2 "Labour and Working Conditions" (ESS2) and Environmental and Social Standard 4 "Community Health and Safety" (ESS4) of the World Bank's Environmental and Social Framework (ESF), and the National labour and employment Laws and Policies of the Project countries within the Nile Basin.

This LMP will be used to identify main labour requirements and risks associated with the Project as well as determine the resources necessary to address the Project's labour issues. The LMP has been purposely prepared to: promote fair treatment, non-discrimination and equal opportunity of project workers; protect project workers, including vulnerable workers such as women, persons with disabilities and migrant workers, contracted workers, and

primary supply workers, as appropriate; prevent the use of all forms of forced labour and Child Labour; support the principles of freedom of association and collective bargaining of project workers in a manner consistent with National Labour Laws, Policies, Regulations of the respective 9 Nile Basin countries (as detailed in Sections 4 and 5 of this LMP) and the ESS2; promote Safety and Health at Work or sub-project sites; and provide a Grievance Redress Mechanism (GRM) for project workers to raise their concerns.

Although we had indicated in the NBI project Inception Report that the LMP alongside other instruments (SEP and ESCP) will be established for each country where applicable in line with the World Bank ESF, we have developed an umbrella LMP for the entire project, which contains sections relating to the labor laws of each of the countries where the project will be implemented. This has been done following the advice of the WB during the first Zoom meeting with the WB, NBI and the consultants that pointed out that the instruments should be made to capture the basin-wide nature of the project as opposed to the individualized country-based ESF instruments. In order to avoid repetitions of common information in Sections 1-3 and 6-12 in the case individual LMPs were to be developed for each of the 9 project countries, we have provided this information common to the project in this report. Besides, detailed information on each country's policy and legal frameworks in relation to labour and working conditions are detailed in Sections 4 and 5 of this LMP.

The workforce to be involved for implementation of the Project includes direct, contracted and potentially, specialized workers from outside project areas. Assurance to good labour and working conditions for all persons who will be engaged in the implementation of the Project is of high priority for the NBI and the WB. Although the number of workers (1 to 2) and the length of time they are expected to spend on each site (1 day) during equipment installation are relatively short, the identified potential labour risks include: incidences of child labor, forced labour; Gender Based Violence; infections and spread of HIV/AIDS, COVID-19 and other communicable diseases, in particular due to labour influx; occupational, health and safety (OHS) problems, including workplace accidents and injuries. Real risks and impacts of contractor(s)/primary supplier(s) non-compliance with national labour laws include failure to pay workers their full salary and legally required benefits on time, as well as other employer abuses of worker rights under the law. These other worker rights abuses

include employer/contactor discrimination in recruitment and employment of workers based on characteristics unrelated to inherent job requirements, including in relation to women, persons with disabilities, persons from certain ethnic/cultural groups, and members of other vulnerable groups.

To raise the efficiency, promote best practices and to conform to social and environmental requirements, the Project considered the legal and regulatory requirements of all the nine Nile Basin Project countries, the World Bank as well as the ILO policies and standards on Labor management. From the local legal framework this LMP relies heavily on the respective countries' national Constitutions, the respective Employment and Labor Laws and Policies, and the accompanying Regulations for the safeguard of worker's management and rights. The details of each Project country policies and legal framework in relation to labour and working conditions are found in Sections 4 and 5 of this LMP.

The Project's implementing Agencies will require contractors to have a Grievance Redress Mechanism (GRM) for their workforce including the sub-contractors to address workplace concerns. Where there will be no contractor involved, there will be labor dispute resolution focal person within NBI who will be taking care of all grievances. In case the worker's dispute cannot be resolved by the contractor's GRM, the workers shall present their disputes to the Grievance Committees of the Project's PIU. The Project's GRM will not prevent workers from using the dispute procedures provided in the National Laws of the respective country.

This LMP will have to be implemented by all parties engaged in the Project implementation. The LMP is a living document, therefore, it is subject to review, and will be constantly updated throughout development and implementation of the Project.

As the situation permits and depending on the public health circumstances, the project will ensure compliance with national laws, policies and protocol requirements as well as World Health Organization and World Bank guidance^[1] regarding the COVID-19 situation in

[1] For example, see World Bank Technical Note: Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings March 20, 2020

relation to stakeholder consultations, labor management, project worksites and related areas.

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LIST OF ACRONYMS/ABBREVIATIONS

CBO	Community Based Organization
CoC	Code of Conduct
COVID-19	Corona Virus Disease 2019
DR Congo	Democratic Republic of Congo
ELRA	Employment and Labour Relations Act
ERP	Emergency Response Plan
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
FDRE	Federal Democratic Republic of Ethiopia
GBV	Gender Based Violence
GRM	Grievance Redress Mechanism
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
HO	Health Officer
Hydromet	Hydrometeorological
IFC	International Finance Corporation
LMP	Labour Management Procedures
LVBC	Lake Victoria Basin Commission
NBD	Nile Basin Discourse
NCCRP	Nile Cooperation for Climate Resilience
NBI	Nile Basin Initiative

NGO	Non-governmental Organization
Nile-TAC	Nile Basin Initiative - Technical Advisory Committee
PIM	Project Implementation Manual
PIU	Project Implementing Unit
PPE	Personal Protective Equipment
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
STD	Sexually Transmitted Disease
STI	Sexually Transmitted Infection
ToR	Terms of Reference
UNICEF	United Nations Children's Fund
WB	World Bank

1 INTRODUCTION

1.1 Project Description

The Nile Basin Initiative (NBI) is an inter-governmental organization initiated and led by the Nile Riparian countries to promote joint development, protection and management of the common Nile River Basin water resources. The NBI is developing basin wide project under the title “**Nile Cooperation for Climate Resilience**” (NCCRP) focused on trans-boundary cooperative water resources management and development. The proposed project development objective of the Nile Cooperation for Climate Resilience Project is to facilitate cooperation for climate resilient water resources management and development in the Nile Basin, with special focus on two main areas, namely climate-resilient water resources management and cooperative development. The project support is organized around two main focus areas: (i) climate-resilient water resources management; and (ii) cooperative development. The work will be delivered through regional processes where the platform for dialogue, trust building, capacity building of member states and stakeholder engagement are the long-term objective of the program.

The proposed project involves rehabilitation and construction of hydromet stations, investment identification, and analysis of water allocation trade-offs. GIZ will fund the rehabilitation of 69 existing hydromet stations and the construction of four new hydromet stations in nine Riparian countries (Burundi, Rwanda, Tanzania, Kenya, the Democratic Republic of Congo, Uganda, Ethiopia, South Sudan and Sudan) of the Nile basin. The World Bank-funding for the project will involve only the procurement and installation of specialized water quality monitoring equipment for the existing and yet-to-be-constructed hydromet stations. The project will provide training for the staff that will be operating the hydromet stations. The project will also finance specific strategic tools and analysis for water quality investment prioritization, dam safety capacity building and dam rehabilitation identification, irrigation modernization capacity building including the use of earth observed data to inform farmers on irrigation practices, and flood and drought risk identification tools. The funds from the GIZ will be used by the NBI for rehabilitation/refurbishment of the existing hydromet stations across the Nile Basin and also construction of four new hydromet stations (DR Congo-1, South Sudan-2 and Rwanda-1). WB funding will be used to purchase

and install specialized hydromet water quality monitoring equipment for the 73 existing hydromet stations and the four yet-to-be constructed new stations across the Basin. However, the WB will undertake due diligence to ensure that all applicable WB Environmental and Social Standards (ESS) are adhered to by the borrower (NBI) in relation to the Project.

1.2 The Labour Management Procedures

The Labour Management Procedures (LMP) has been developed to manage labour risks during the planning and implementation of the Nile Cooperation for Climate Resilience Project. The LMP identifies main labour requirements and risks associated with the project, and help the NBI to determine the resources necessary to address the Project's labour issues. The LMP is in line with national requirements of the nine Nile basin Riparian countries where the sub-project activities will be implemented, as well as the objectives of the World Bank's Environmental and Social Framework (ESF), specifically the objectives of the Bank's Environmental and Social Standards (ESS). The key ESF environmental and social standards triggered by the LMP include the Labour and Working Conditions (ESS2) and Community Health and Safety (ESS4). The Project's Environmental and Social Assessment identified potential risks and impacts that are associated with Project implementation, associated with workers as well as community health and safety.

1.2.1 World Bank Environmental and Social Standards (ESS)

The World Bank ESS that apply to the Project include:

- ESS2 Labour and Working Conditions: This Standard obliges the Borrower (NBI) to develop and implement written labour management procedures (LMP) applicable to the Project. The LMP will set out the way in which project workers will be managed, in accordance with the requirements of the national laws of the country where the Project activities will be implemented and the provisions of ESS2, and where relevant, ESS4..
- ESS4 Environment and Social Framework on Community Health and Safety: The Standard puts emphasis on community exposure to risks and impacts of the project and includes road safety risks, as well as addressing water-related, communicable

and non-communicable diseases that can result from projects activities and have impact on project labour as well as the community.

1.2.2 Purpose of the LMP

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

1.2.3 Objectives of the LMP

The objectives of the LMP include to:

- Promote fair treatment, non-discrimination and equal opportunity of project workers.
- Protect project workers, including vulnerable workers such as women, persons with disabilities and migrant workers, contracted workers, and primary supply workers, as appropriate.
- Prevent the use of all forms of forced Labour
- Address child labour, and prevent worst forms of child labour
- Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with National Labour Laws, Policies, Regulations and the ESS2.
- Promote Safety and Health at Work or sub-project sites.
- Provide a Grievance Redress Mechanism (GRM) for project workers to raise their concerns.

2 ANTICIPATED LABOUR USE IN THE PROJECT

The LMP applies to project workers including full-time, part-time, temporary, migrant workers¹, and where applicable, to workers of primary suppliers², etc. The LMP is applicable, per ESS2, to the project workforce in the following manner:

- Direct workers: People employed or engaged directly by the Borrower (in this case the NBI) and subject to NBI's and the other implementing agencies' (LVBC and NBD) day to day instructions and control. Examples include persons who will be employed or engaged by NBI to carry out various activities including design and supervision, monitoring and evaluation, community engagement etc. in relation to the Project. It is anticipated that civil servants on secondment³ from their national governments will be employed by the project, and will be reporting to the Borrower (NBI);
- Contracted workers: People employed or engaged through third parties to perform work related to core functions of the project, where the third-party exercises control over the work, working conditions, and treatment of the project workers;
- Community Workers: The project intends on recruiting and training a community member on each site to be responsible for station's operation and routine maintenance. These individuals will be contracted and remunerated.
- Primary Supply Workers: Primary suppliers are suppliers who, on an ongoing basis, provide goods or materials directly to the Project. The installation of specialized equipment by WB and rehabilitation of 73 existing hydromet stations and the construction of four new hydromet stations in nine Riparian countries by GIZ will require procurement of a substantial amount of materials, including; structural steel bars and shapes, cement, steel pipes, bolts and nuts equipment such as switch isolators, wires, cables, solar panels, power-poles, steel products among others.

The risk associated with primary supply associated with the Project is assessed below.

¹ A "migrant worker" is a person who either migrates within their home country or outside it to pursue work.

² See ESS2, footnote 5 of paragraph 2 (c). Primary suppliers "are those suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project."

³ All national government civil servants seconded to work on the project, will remain subject to the terms and conditions of their existing public sector employment agreements/arrangements, as understood under ESS2, Scope of Application, paragraph 8.

- All primary suppliers are formal businesses who are required to procure and produce materials subject to high standards. Any new supplier is vetted using a different form which screens the supplier in regard to compliance with taxes, certification, licensing, Public Liability Certificate 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 in accordance with country specific regulations. The review is carried out twice annually and requires a Commercial Services Officer to visit the supplier's premises.
- These Labour Management Procedures require that, under the project, any primary supplier maintains records related to occupational injuries, illness and lost time accidents. These records will be subject to review by NBI twice annually and requires and update. NBI will also ensure, that any primary supplier to the project report fatalities or serious injury and informs government authorities in accordance with national reporting requirements.
- Where there is a significant risk of child labor or forced labor related to primary supply workers, NBI will set out roles and responsibilities for monitoring primary suppliers. If child labour or forced labor cases are identified, NBI will require the primary supplier to take appropriate steps to remedy them such as a Child Protection and No Child Labour Policies, ensure that recruitment procedures adhere to the country specific employment acts with specific emphasis on the legally accepted age to be engaged in gainful employment.

2.1 Number of Project Workers

Because of the small footprint of the hydromet stations/structures (2meters x 2 meters), a limited number of workers will be required for the following activities under the project: (i) equipment installation (World Bank: 1 to 2 technicians for one day), (ii) rehabilitation (GIZ: 2 local laborers for one day), and (iii) construction (GIZ: 3 to 4 local laborers for 4 to 5 days), On the supervisory and monitoring side during the installation of the equipment, the national hydromet teams and supervisory activities will involve an environmental and social team . In addition, three individuals will be involved in water quality monitoring work at each

hydromet station. The national hydromet teams will be composed of five (5) persons per country, who will be responsible for the field work and monitoring activities. They will be taken through training after which they will be engaged in monitoring the water quality monitoring equipment at the hydromet stations. At the supervisory level, three (3) people will be engaged per country who will perform steering work, provide strategic guidance and high-level management and who also will reporting to the respective and relevant government agencies. This gives a total of 325 workers spread as follows: 219 workers for monitoring the stations, 45 members of the hydromet monitoring teams in the nine countries and a total of 27 supervisory workers. Similarly, construction and rehabilitation of hydromet stations will require various consultants/contractors and staff of the NBI and other implementing agencies (LVBC and NBD) will be engaged to perform other project activities. These numbers are estimated at approx. 325 workers across the Nile Basin.

The following types of workers with the respective approximate numbers will be engaged in the project:

- i. Direct Workers include the staff of the implementing agencies (Nile SEC, LVBC and NBD) who will work on the project for the duration of the project preparation and implementation. Estimated number of Direct Workers: approx. 38 staff (Nile SEC – 15, NELSAP-CU-8, ENTRO=8 LVBC – 3 and NBD - 4).
- ii. Contracted Workers that will be installing the hydromet equipment at already existing and also at to-be-constructed new hydromet stations, and receiving training on operation of the specialized water quality monitoring equipment under the Project. Estimated number of Contracted Workers: approx. 219 (3 people (1 mason and 2 assistants) per hydromet station for 73 stations).
- iii. Short-term Consultants/Contractors who will provide technical services as may be required from time to time by the implementing agencies to provide technical assessments or studies, and other related technical work when necessary. The estimated number of Consultants and Technical Advisors: approx. 15 (for development of strategic tools and analysis, water quality investment prioritization, dam safety capacity building and dam rehabilitation identification, irrigation modernization capacity building and flood and drought risk identification tools etc.).

- iv. Technical Advisers/Government civil servants (e.g. Nile-TAC and NBI desk officers) who are mainly Government civil servants in their respective countries, on secondment from their home agencies to the project,⁴ who will be supporting the Technical Advisory role on the Project. Estimated number of technical advisors/Government civil servants: approx. 70 (5 hydromet team members per country in the 9 countries and 3 supervisory staff per country).
- v. In line with the provisions of ESS2, NBI will require that all contractors and subcontractors implement concrete verifiable measures to determine whether such labour after consultations and sensitization of the prospective workers in the community labour is voluntary⁵
- vi. It is also envisaged that, due to the international and technical nature of the Project, and that the NBI is an inter-governmental regional organization, Migrant Workers, who will include local or international migrants, may be engaged in this Project. NBI will be responsible for ensuring that any employment/engagement of migrants for the project will conform to the provisions of ESS2 and the national laws of each country in which the migrant workers will be employed in relation to the Project.

2.2 Characteristics of Project Workers

The Project will recruit and manage project personnel in full compliance with the respective Acts, Regulations and Guidelines of each of the countries in which the project (including its sub-projects) will operate; as well as the World Bank's Environmental and Social Framework's Environmental and Social Standards, in particular ESS2 on Labour and Working Conditions. The anticipated characteristics of workers for the Project can be categorized into the following two levels of expertise:

⁴ Government civil servants on secondment from their home agencies will remain subject to the terms and conditions of their existing public sector agreements/arrangements.

⁵ Work is on a voluntary basis when it is done with the free and informed consent of a worker. Such consent must exist throughout the employment relationship and the worker must have the possibility to revoke freely given consent. In particular, there can be no "voluntary offer" under threat or other circumstances of restriction or deceit. To assess the authenticity of a free and informed consent, it is necessary to ensure that no external constraint or indirect coercion has been carried out, either by an act of the authorities or by an employer's practice.

- Skilled labour – technical personnel with advanced specialist training e.g. consulting professionals, project administrators etc.
- Semi-skilled labour – ancillary staff with relevant vocational training e.g. drivers, equipment monitoring/maintenance technicians etc.

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

- i. Advertisements for vacant positions to be filled at the national scale shall be done on national platforms such as daily newspapers and respective Ministry websites.
- ii. The national applicants shall be considered for employment where required skills are locally available.
- iii. Semi-skilled labour shall be reserved for nationals of the respective countries e.g. drivers, equipment technicians, etc.

International workers will be employed where skills are not available among nationals. Members of vulnerable groups (including women, and persons with disabilities, and persons from other disadvantaged/marginalized groups) will be given priority where possible. NBI will ensure that employment/engagement of anyone under 18 years of age in relation to the project as a direct hire or as worker engaged/employed through contractors/subcontractors or primary suppliers is strictly forbidden.

2.2.1 Direct Workers

The project will work with the staff of the implementing agencies (Nile SEC, LVBC and NBD) seconded ⁶as members of PIU. The Project will employ consultants, technical project advisors and support staff working on contractual basis as part of the Nile Cooperation for Climate Resilience Project. Terms and conditions of these consultants will be guided by the Project Implementation Manual (PIM) which will be prepared by the NBI in consultation with the implementing (LVBC and NBD) and funding (WB, GIZ) agencies. The PIM shall be

⁶ Government civil servants on secondment from their home agencies will remain subject to the terms and conditions of their existing public sector agreements/arrangements.

prepared in such a way that it will be consistent with the provisions of ESS2, ESS4 and all other relevant provisions of the World Bank ESF, and also in adherence to the various national labour legislation and policies of each of the countries in which the Project will operate. The estimated number of Direct Workers include; 38 staff (Nile SEC – 15, NELSAP-CU-8, ENTRO=8 LVBC – 3 and NBD - 4).

Timing of labour requirements

Direct Project workers are eligible to work on full-time fixed renewable contracts for the duration of the entire project implementation. The duration of contracts will vary by assignment but generally, not less than one year.

2.2.2 Contracted Workers

The main activity that shall be undertaken by the contracted workers is the installation and/or refurbishment of specialized hydromet equipment or construction of new hydromet stations. Other areas that may need contracted workers include provision of security services, monitoring and maintenance of the hydromet stations. These contracts will be advertised and will seek firms, NGOs, CBOs with specific technical expertise. The terms and conditions of these contracts will adhere to the national labour legislations and regulations of each particular sub-project country, and be guided by the PIM, and will be consistent with the provisions of ESS2 in relation to contracted workers. The NBI contract model will be used for recruitment of contractors and sub-contractors.

The NBI has two types of contracts for consultants/contractors; Lumpsum and Time-based. For Lumpsum, the deliverables are measurable, and payment is usually tagged on the deliverables whereas for Time-based the deliverables are usually not defined, and payments are based on the time input. This is available in the NBI Human Resource (HR) policy, which NBI uses to ascertain whether that contracted workers or firms are legitimate/reliable entities consistent with the provisions of ESS2 para.31, with compliance and non-compliance remedies in their contracts/sub-contracts (ESS2 para.31), and have access to grievance mechanism (NBI HR policy Chapter 12) and consistent with the provisions of ESS2 para. 33. Terms and conditions of these contracts or sub-contracts will be guided by the PIM in adherence to various country-based national labour legislations and as required by the ESS2

para.10, including the workers' rights related to hours of work, wages, overtime, compensation, and benefits. The estimated number of Contracted Workers include; 219 (3 people (1 mason and 2 assistants) per hydromet station for 73 stations).

Timing of labour requirements

Timing and labour requirements for contracted workers will vary by assignment. They will generally be for a minimum of one-year renewable and potentially for the entire duration of the Project.

2.2.3 Short Term Consultants

The Short-Term consultants will be engaged by the Project to undertake several kinds of short period assignments including to provide additional capacity as required including provision of technical assessments or studies. For the purposes of ESS2, the short-term consultants will be categorized as direct workers and engaged directly by NBI in accordance with ESS2, para. 3(a). In addition, short term consultants will be engaged to provide specific technical expertise or to undertake specialized assessments such as dam safety studies, development of strategic tools and analyses etc. The consultants will be guided by specific contractual agreements between them and the NBI and other implementing agencies, NBI etc. following the county-based national labour legislation and regulations, and guided by the PIM. The estimated number of Consultants and Technical Advisors is approximately 15 personnel.

Timing of labour requirements

Short Term consultants are engaged for a short-term period of not more than six months and the labour requirement including the time schedule and deliverables are stipulated in their respective work ToRs and contracts.

2.2.4 Migrant Workers

It is likely that migrant workers (nationals but from neighboring villages or other parts of respective sub-project country) and/or international workers will be engaged under the Project. In the event that locals seek employment, local leaders will be involved to prioritize those residing within the project areas but with requisite skills required for the vacant

position(s). NBI will ensure that the Project gives priority to local/national workers based on the principles outlined in section 2.2 above. However, for the purposes of this project, the procurement and installation of specialized water quality monitoring equipment, which will be supported through World Bank funding requires skilled manpower that may not be readily available among local communities, hence the use of community workers is not anticipated for the WB component of the project support. Despite of this, the WB is expected to do due diligence to ensure that the provisions of ESS2 in relation to recruitment and employment of labour are adhered to in relation to the GIZ-funded portion of the project involving the rehabilitation and construction of the hydromet stations.

Timing of Labour Requirements

It is anticipated that migrant workers (both national and international) will be engaged/employed for the Project for the installation of the specialized water quality monitoring equipment for the hydromet stations, where applicable. The migrant workers will provide specialized skilled labour that may not be readily available locally. These will be specified in the PIM.

2.2.5 Technical Advisors/Government civil servants

In line with ESS2, paragraph 8, it is anticipated civil servants working for their respective governments will be required to work for the Project from time to time, whether full time or part time, mainly the Nile Technical Advisory Committee (Nile-TAC) members and the NBI desk officers. Such government staff will work under the terms and conditions of their existing public sector employment subject to the work engagement agreement with the NBI or the respective Project implementing agency.

3 ASSESSMENT OF KEY POTENTIAL PROJECT LABOUR-RELATED RISKS

3.1 Project Activities

Substantial use of labour is mostly anticipated to arise from implementation of sub-projects under the Nile Cooperation for Climate Resilience Project. The types of activities to be supported include, noting that the World Bank funding will not be used for construction or

rehabilitation of any hydromet stations or other civil works. The World Bank-funding will be used to purchase and install the specialized water quality monitoring equipment for the stations:

World Bank Funds

- Installation of specialized equipment for hydromet stations
- Development of strategic tools and analyses for water quality investment prioritization, and flood and drought risk identification
- Capacity building for dam safety, irrigation modernization

GIZ Funds

- Refurbishment or rehabilitation of 73 hydromet stations
- Construction of about 4 new hydromet stations
- Potential for bush clearing/ grass cutting in stations with overgrown vegetation*
- Installation/construction of structures to secure the hydromet stations e.g. fences*
- Construction/installation of watchman/woman shade for daily security surveillance and station monitoring of selected stations*

3.2 Assessment of Key Potential Project Labour Related Risks

The project anticipates moderate to substantial level of labor risks to be associated with the project activities. Direct workers and contracted workers will experience low level of labor risks since most of the field-based work will be for a limited number of days and also the workforce will be very small on the ground during implementation and operation. Extensive use of labour is anticipated for those components of the project to be funded by GIZ, namely the construction and rehabilitation of hydromet stations. This presents a number of potential labour related risks since field based labour although minimal will be employed for a limited number of days. In relation to the World Bank funded components of the project, the procurement and installation of specialized water quality monitoring equipment for hydromet stations will involve deployment of technical personnel in the field to install the specialized equipment. Given the social risks that human interactions, including increased transmission of HIV/AIDs, COVID-19 and other communicable diseases, and gender-based

violence present to local communities, in particular in relation to the GIZ-funded activities to rehabilitate and construct hydromet stations, the Project will put in place measures to manage these risks and impacts. . The World Bank will carry out due diligence through field missions to ensure that there is compliance with ESS2, ESS4 and the other applicable ESF standards and respective national laws in relation to the GIZ-funded components of the Project.

3.2.1 Gender-Based Violence and Sexual Exploitation and Abuse or Harassment

Prevalence of Gender Based Violence is high in the Nile Basin Riparian countries according to the UNICEF Country Profiles, 2019. Cases of sexual exploitation within worksites may present itself in the sub-projects. Women who seek employment in all employment categories may also face sexual harassment including demands for sexual favors before being employed and during the period of their employment in relation to the project. Male workers may also face sexual harassment. The construction and rehabilitation of the new hydromet stations may result in an influx of labour which could potentially increase the risk of GBV and Sexual Exploitation and Abuse in communities particularly towards the most vulnerable women and girls, in particular those with mental and physical disabilities, and those from minority ethnic/social groups.

It is anticipated that men will probably constitute the majority of casual, semi-skilled and skilled labour force for this project. The long stays away from their families could increase project workers' propensity to fraternize with women and young girls, hence increasing sexual and gender based violence and exploitation. Additionally, as a result of economic destitution, underage girls and women might end up engaging in sexual relations against their will with project contractor workers' due to the perception that they will economically gain from these relations. Therefore, the project needs to take concrete measures to avoid, minimize, and mitigate these risks and their impacts at both the implementation and operation phases of the project.

To address these, all the NBI member countries (except the Sudan that does not have legislations on domestic violence) have enacted laws, regulations and guidelines to combat gender-based violence, which the Project contractors will adhere to while implementing the

sub-project activities. It is envisaged that the Riparian countries have put in place gender desks in various police stations to respond to gender-based violence, sexual exploitation, abuse and harassment. If the gender desks are not already available in some of the Project countries, NBI will require the sub-project contractors to prepare GBV Action Plans, which be reviewed and cleared by the NBI and respective national authorities before the sub-project contractors commence work. The NBI will be responsible for building the capacity of the Project personnel, including all persons working directly for NBI as well as all contractors, sub-contractors and primary suppliers, and to sensitize them on 'do no harm principle' and on issues of sexual and gender-based violence. Specifically, the following capacity building measures will be undertaken to build institutional capacity on issues related to alleviating sexual and gender-based violence (GBV) in relation to the project:

- ✓ Induction/Orientation meeting on NBI safeguards/Do No Harm Principle
- ✓ NBI Supervision for Compliance in relation to social safeguards as set out in the ESF standards of the World Bank
- ✓ Recruit Safeguard Specialists on demand basis to monitor, supervise and report on issues related to sexual and gender based violence
- ✓ Contractually commit sub-contractors, primary suppliers, consultants to a code of conduct to ensure that they ascribe to safeguards standards and procedures and reporting. Relevant ESF extracts on SGBV will be inserted in their contracts)
- ✓ Work closely with relevant National institutions such as Ministries, Departments and Agencies to play an oversight role on issues related to GBV on the project.

The NBI is responsible for instituting a grievance redress committee (GRC) to handle sexual abuses perpetrated by Project workers against members of project-affected communities. The NBI and the other implementing agencies (LVBC and NBD) will also be responsible for ensuring that all workers sign a Code of Conduct (CoC) that specifies appropriate behavioral conduct, responsibility and penalties for non-compliance with SEA/SH, among other social misconducts. NBI/PIU will prepare the CoC, and will annex the CoC to the PIM and the LMP. NBI will ensure that all project contractors comply fully with the terms of the CoC and ensure that all workers employed/engaged in relation to the project sign and comply with the terms of the CoC. The CoCs will among others prohibit sexual relations with minors, subordinates,

vulnerable groups, and will protect them against all forms of sexual harassment in the work place.

3.2.2 Child Labour

The

Child labour, including worst forms of child labour, is a problem in each of the countries where the project will be implemented. Given the recruitment criteria for (inter-)governmental agencies like the NBI (and considering that NBI activities are implemented through responsible government ministries), the risk of child labour for persons working directly for NBI and the other implementing agencies is likely to be minimal. Child labour is also not expected in relation to direct workers or those contracted to undertake consultancy services for the project. However, there is a real risk that child labour could occur in relation **to contractors, subcontractors, or primary suppliers supporting the sub-Project activities.**

In light of the possible hazardous nature of work related to installation of the water quality monitoring equipment and the Associated Facility GIZ-funded rehabilitation, construction and installation of hydromet station activities, NBI and the other implementing agencies (LVBC and NBD), and the project contractors will not employ or engage any persons under 18 years of age in relation to the project.

The Nile Basin Riparian countries have laws and policies (see sections 4 and 5 of this LMP) prescribing minimum employment age that will guide the project implementation, **but as set out in this LMP, no person under the age of 18 years of age at the time of recruitment will be employed/engaged in relation to this Project.** The contractors will be required to ensure certification of labourers' age to be a minimum of 18 years at the time of recruitment for work for the project, and removal of all persons under the age of 18 years (using National Identification Card, Birth Certificate or affidavit of birth) from employment in relation to the project.

The project will require the contractors, subcontractors and primary suppliers, where appropriate, to present/develop child labour policies for approval by the NBI/PIU

Environmental and Social Specialists and implement them in relation to all workers employed/engaged by the respective contractor, sub-contractor or primary suppliers.

With regard to Community Workers in relation to the Project, the NBI and other implementing agencies will be responsible for assessing whether there is a risk of child labour or forced labour within community labour and identifying in this LMP those risks consistent with ESS2 paragraphs 17 to 20

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

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

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

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

3.2.3 Forced labour, including trafficking in persons for labour

The risk of forced employment of labourers especially of local labourers, including community workers, is a potential project risk that may be experienced across the Nile Basin. While the employment of local labourers for unskilled work is not anticipated based on the nature and scale of the sub-project activities, the sub-project areas that are located adjacent to country borders may pose a risk of human 'trafficking'. Forced labour, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty, will not be used in connection with the Project. This prohibition covers any kind of involuntary or compulsory labour, such as indentured labour, bonded labour, or similar labour-contracting arrangements.

Trafficking in persons is defined as the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. In particular, women and children are vulnerable to trafficking practices.

The NBI and other implementing agencies for the project will be responsible for ensuring that no forced labour, including the use of prison labour, or labour resulting from the trafficking of persons, whether in relation to direct project workers or workers engaged through contractors, sub-contractors or primary suppliers, will be employed/engaged in connection with the project.

To this end, NBI and other implementing agencies for the project will maintain records of the recruitment circumstances as well as the written employment contracts of all project workers, including direct hires, as well as persons engaged through contractors, subcontractors and primary suppliers. The NBI and other implementing agencies for the project will also conduct periodic inspections, at least once every six months, of contractor, subcontractor and primary supplier employment records to verify consistency and

compliance with the law in relation to recruitment of workers and provision to all workers of a written signed employment contract in English, Kiswahili, or other national/local language, depending on the worker's preference.

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

Where forced labour is identified in relation to a primary supplier, the NBI and other implementing agencies for the project will require the primary supplier to report the situation to the police and other relevant government authorities. Depending on the circumstances, the NBI and other implementing agencies for the project will discontinue use of that primary supplier and instead use primary suppliers that can demonstrate they are meeting the relevant requirements of the national law of the respective country relating to forced labour and the trafficking of persons.

The risk of forced labour will be mitigated through raising awareness, carrying out due diligence and enforcing a strict code of conduct in the project-affected communities. This code of conduct will be signed by the contractor and those supplying labour. The NBI will be responsible for putting in place measures and for monitoring on a regular basis that the voluntary consent of the worker exists throughout the entire duration of the person's employment/engagement in relation to the Project. The Project will ensure that worker's the right to freely revoke consent at any time. In particular, all information pertaining to the

terms of service will be furnished to the worker and interpreted for them for their understanding in the language they understand best. NBI will be responsible for carrying out due diligence and assessing the recruitment processes used by contractors in relation to all workers performing community labor in relation to the Project to ensure that community workers are providing work in a manner that is free and voluntary in conformance with ESS2 and the applicable national laws.

The NBI and other implementing agencies will implement awareness raising activities to sensitize the project affected local communities on the legal prohibitions and negative impacts of forced labour and trafficking in persons for labour. In particular, the NBI and other implementing agencies will ensure that contractors/subcontractors/ contracted firms will implement Hiring Procedures clearly indicating: (i) locations of recruitment of workers where the projects are to be implemented; (ii) guidelines to ensure that most of the workers are recruited within the project host communities; and (iii) codes of conduct for relevant agencies' personnel.

3.2.4 Lack of employer compliance with national labour laws, including in relation to hours of work, provision of PPE, and minimum wage

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

The Project will be implemented by total adherence to the employment and labour legislations and policies of each respective country and detailed in sections 4 and 5 of this LMP. The GRM prepared for this Project will also provide a platform for reporting and handling grievances to ensure NBI and contractors compliance to employment and labour laws.

To address the risks of employer non-compliance with national labour laws, the NBI and other implementing agencies for the project will ensure the following for all project workers, and will ensure that all contractors, sub-contractors, and primary suppliers abide by the following provisions for all workers they have engaged in relation to the project:

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

The NBI and other implementing agencies for the project will be responsible for ensuring that contractors, subcontractors and primary suppliers comply with all the above requirements The

3.2.5 The NBI and other implementing agencies for the project will maintain, and will ensure that contractors, subcontractors and primary suppliers maintain, records of all worker contracts and related documentation, and confirmation that the above provisions are being adhered to. Discrimination against women, ethnic minorities and persons with disabilities in recruitment and employment

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

In this project no discrimination will be acceptable as per the respective countries employment and labour laws and policies detailed in sections 4 and 5 of this LMP. The PIM will be prepared in accordance with the NBI employment policy and ESS2, which support equal opportunities for women and men, and persons with disabilities, with emphasis on equal criteria for selection, remuneration, and promotion, and equal application of those criteria. Recruitment shall also follow the NBI Gender Mainstreaming Policy and Strategy that reduces the chance for discrimination based on gender within the NBI. Measures to prevent harassment of project workers, including sexual harassment, in the workplace will be addressed with GBV Action Plan that will be prepared for the Project. The NBI and other implementing agencies for the project, and project contractors and sub-contractors will focus on inclusive and non-discriminatory recruitment and employment policies and procedures in relation to all project workers. The NBI and other implementing agencies for the project will ensure that there will be no discrimination in recruitment or employment relating to project workers based on any personal characteristics unrelated to inherent work requirements. Such personal characteristics include, but are not limited to, gender, age, race, color, disability, including albinism, marital status, pregnancy or maternity status, social origin, gender orientation, religion, real or perceived HIV/AIDs status, and ethnic origin.

The NBI and other implementing agencies for the project will ensure that this requirement of non-discrimination in recruitment and terms of employment will also be applied and

strictly adhered to by project contractors and subcontractors, as well as primary suppliers, wherever possible.

The NBI and other implementing agencies for the project will require that each project contractor/subcontractor shall not make decisions relating to the employment or treatment of project workers engaged by the contractor/subcontractor on the basis of personal characteristics unrelated to inherent job requirements. The contractor/subcontractor shall base the employment of persons it engages for the project on the principle of equal opportunity and fair treatment, and shall not discriminate with respect to any aspect of the employment relationship, including 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, and disciplinary practices.

3.2.6 Labour influx into local communities

Labour influx is known to happen in most countries within the Nile Basin especially for large scale infrastructure development. Although there may be movement of people in search for employment, this is expected to be minimal due to the nature and scale of the envisioned sub-projects. Where the required skill is not available locally, advertisements and recruitment of workers will be held at county/district and regional headquarters of the respective regions to reduce the risks of labour influx.

Contractors or contracted firms will be required to have in place Hiring Procedures clearly indicating: (i) how advertisement of vacancies will be done; (ii) locations of recruitment of workers within the administrative areas where the projects are to be implemented; (iii) guidelines to ensure that most of the workers are recruited within the project host communities; (iv) codes of conduct for the human resources personnel; and (v) mitigation measures to manage labour attracted by the project.

Specific requirements to manage risks associated with labour influx, related to the interaction between the Project workers and local communities, such as communicable diseases and gender-based violence, will be managed through contractual requirements,

code of conduct and the Environmental and Social Management Framework (ESMF). These procedures are guided by national legislations and policies as detailed in sections 4 and 5 below of this LMP, and also follow the guidelines of the World Bank's ESS 2 and ESS 4.

3.2.7 Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome (HIV/AIDS)

There exists the risk of spread of HIV/AIDS due to social interactions among migrant workers and other project workers and project-affected local communities. Risky sexual behavior and engagement in illicit sex by both genders is real project risk. In order to counter the risk of spreading HIV/AIDS, the NBI/PIU will develop, before project implementation begins, an HIV/AIDS strategy or policy consistent with ESS2 and ESS4 that shall spell out sensitization and awareness creation strategies for contractors and other employees. The NBI/PIU and other implementing agencies for the project will be responsible for conducting regular HIV/AIDS awareness trainings/consultations with project-affected local communities and with all project workers, including workers engaged/employed through contractors/sub-contractors and primary suppliers, and community workers.

3.2.8 Corona Virus Disease 2019 (COVID-19)

Installation of hydromet equipment will involve movement of people from different places especially the casual labourers and other Project workers. Human interaction will take place during the course of executing field activities including meetings and construction. Such interactions pose the risk to spread COVID-19. According to the World Bank ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects, April 7, 2020, project activities such as hiring of additional workers to expedite construction work may lead to risks related to worker mobilizations. Such workers may become vectors for transmission of COVID-19 to other workers in construction project sites and nearby communities.

To address the risk of spread of COVID-19, the NBI and other implementing agencies for the project will be responsible for ensuring that the Project undertakes concrete mitigation

measures. Depending on the circumstances, the project will ensure compliance with national laws, protocols and policies, as well as World Health Organization and World Bank guidance, regarding the COVID-19 situation. In particular, the NBI/PIU will ensure that the project labour management is informed by “World Bank ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects”, April 7, 2020.

3.2.9 Occupational Health and Safety (OHS) risks

Risks associated with OHS as stipulated in ESS2 para.24-30 are aimed at protecting project workers from injury, illness, or impacts associated with exposure to hazards encountered in the workplace or while working. The OHS measures takes into account the General Environmental Health and Safety Guidelines (EHSGs) and, as appropriate, the industry-specific EHSGs and other Good International Industry Practice (GIIP). The rehabilitation or refurbishment of the hydromet stations and the construction of approximately four new hydromet stations is expected to require some construction and related physical works that will likely result in OHS risks and hazards. Although the current status of all the hydromet stations in the Nile Basin is not known – some may already be in isolated and remote and heavily vegetated areas due to lack of daily maintenance in the respective countries or some of the equipment may be vandalized and therefore require limited civil works. Some hydromet stations may need to be secured through fencing or establishment of guard houses hence may require some degree of physical work like excavations, bush clearing, etc. These works pose occupational health and safety hazards that may result in accidents or injuries, including bites and related injuries from poisonous snakes, reptiles, insects and other environmental hazards. Overall, the OHS measures applying to the project are set out in the legal agreement and the Environmental and Social Commitment Plan (ESCP) prepared by the NBI for this Project.

The Nile Cooperation for Climate Resilience Project has therefore prepared an Environmental Management Framework (ESMF) that will guide the assessment of risks and preparation of Environmental Social Management Plans (ESMPs) for the sub-projects. These ESMPs will form part of bidding documents for contractors and will therefore guide the preparation of Site-Specific Environmental Health and Safety Management plans (where

applicable) which will detail how these risks will be managed for each of the sub-projects and each worksite for review and clearance by the NBI and the other implementing agencies.

The mitigation measures for the identified risks will be prepared by NBI as per ESS2 and incorporated into the Project's ESMP.

Table 3-1 below presents the mitigation measures that NBI plans to undertake for addressing potential Project risks:

Table 3-1: Summary of Potential Labour Risks and Planned Mitigation Measures

Potential Risks as identified in ESS2	Type of Worker likely to be affected	Magnitude of Potential Risk	Mitigation Measures
Risk of Gender-based Violence and Sexual Exploitation and Abuse or Harassment	Project workers (skilled, semi-skilled and manual workers)	Low	<ul style="list-style-type: none"> • Sensitization of workers and the Project affected communities about issues of sexual and GBV by contractors at the start of sub-project activities in the sub-project areas. • Instituting GRC to handle sexual abuses perpetrated by project workers, and/or community members. NBI/PIU to form the GRC after Project appraisal. The GRC will be applied throughout the Project implementation. • NBI/PIU shall contact relevant authorities, including law enforcement, and relevant District Officers to manage the case (provision of medical attention and psychosocial support) • NBI will ensure that all project contractors sign and comply to enforceable codes of conducts
Risk of Child Labour	Contractors and sub-contractors	Low	<ul style="list-style-type: none"> • The NBI/PIU will require each contractor to develop and implement a “No child labour” policy, which will be

Potential Risks as identified in ESS2	Type of Worker likely to be affected	Magnitude of Potential Risk	Mitigation Measures
			acceptable to the NBI/PIU in relation to each country where the contractor is undertaking work for the project.
Risks of spreading HIV/AIDS, STI/STDs, and other communicable diseases	Project workers (skilled, semi-skilled and manual workers)	Low	<ul style="list-style-type: none"> The NBI/PIU and other implementing agencies for the project will be responsible for conducting regular HIV/AIDS awareness trainings/consultations with project-affected local communities and with all project workers, including workers engaged/employed through contractors/sub-contractors and primary suppliers, and community workers.
Forced labour, including trafficking in persons for labour	Project workers (semi-skilled and manual workers)	Low	Contractors will conduct awareness raising activities to sensitize communities on prohibition and negative impacts of forced labour and trafficking in persons for labour prior to recruitment and throughout the contract.
Lack of employer compliance with national labour laws	Project workers (skilled, semi-skilled and manual workers)	Moderate	<ul style="list-style-type: none"> The NBI/PIU will ensure that the Project is implemented by total adherence to the employment and labour legislations and policies of each respective country as detailed in sections 4 and 5 of this LMP.

Potential Risks as identified in ESS2	Type of Worker likely to be affected	Magnitude of Potential Risk	Mitigation Measures
			<ul style="list-style-type: none"> • The NBI/PIU and contractors will ensure the GRM prepared for this Project as a platform for reporting and handling grievances to ensure compliance to employment and labour laws. • The NBI and other implementing agencies will provide all project workers with information and documentation that is clear and understandable to the worker regarding their terms and conditions of employment. This information and documentation will set out the worker's rights under national labour and employment laws. • The NBI/PIU will ensure that contractors provide workers with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law of the country where the project activity is being implemented • The NBI and other implementing agencies for the project will maintain, and ensure that contractors, sub-

Potential Risks as identified in ESS2	Type of Worker likely to be affected	Magnitude of Potential Risk	Mitigation Measures
			contractors and primary suppliers maintain records of all worker contracts and related documentation, and confirm that the above provisions are being adhered to.

Potential Risks as identified in ESS2	Type of Worker likely to be affected	Magnitude of Potential Risk	Mitigation Measures
3.2.10 Discrimination against women, ethnic minorities and persons with disabilities in recruitment and employment	Project workers (skilled, semi-skilled and manual workers)	Low	<ul style="list-style-type: none"> The NBI and other implementing agencies for the project, and project contractors and sub-contractors will focus on inclusive and non-discriminatory recruitment and employment policies and procedures in relation to all project workers, and that this requirement will also be applied and strictly adhered to by project contractors and subcontractors, as well as primary suppliers, wherever possible.
3.2.11 Labour influx into local communities	Project workers (semi-skilled and manual workers)	Low	<ul style="list-style-type: none"> The NBI/PIU will use contractual requirements, CoC and training set out in this LMP and the Environmental and Social Management Framework (ESMF) to manage risks associated with labour influx. These procedures are guided by national legislations and policies as detailed in sections 4 and 5 below of this LMP, and also follow the guidelines of Bank's ESS 2 and ESS 4.

Potential Risks as identified in ESS2	Type of Worker likely to be affected	Magnitude of Potential Risk	Mitigation Measures
Risk of contracting and spreading COVID-19 ⁷	Project workers (skilled, semi-skilled and manual workers)	Moderate	<ul style="list-style-type: none"> • Depending on the circumstances, the project will ensure compliance with national laws, protocols and policies, as well as World Health Organization and World Bank guidance, regarding the COVID-19 situation. • In particular, the NBI/PIU will ensure that the project labour management is informed by “World Bank ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects”, April 7, 2020. • With regard to risks associated with mobilization of workers by the Project contractors, the NBI/PIU will ensure that the mitigation measures outlined in Section 6 of the above WB Interim Note will be applied by the respective contractors including:

⁷ Depending on the circumstances, the project will ensure compliance with national laws, protocols and policies, as well as World Health Organization and World Bank guidance, regarding the COVID-19 situation. In particular, the NBI/PIU will ensure that the project labour management is informed by “World Bank ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects”, April 7, 2020.

Potential Risks as identified in ESS2	Type of Worker likely to be affected	Magnitude of Potential Risk	Mitigation Measures
			<ul style="list-style-type: none"> ○ conducting pre-employment health checks and testing; controlling entry and exit from site/workplace; ○ reviewing accommodation arrangements, to see if they are adequate and designed to reduce contact with the community; ○ reviewing contract durations, to reduce the frequency of workers entering/exiting the site; ○ rearranging work tasks or reducing numbers on the worksite to allow social/physical distancing, or rotating workers through a 24-hour schedule; ○ providing appropriate forms of personal protective equipment (PPE); and ○ putting in place alternatives to direct contact, like tele-medicine appointments and live stream of instructions.

Potential Risks as identified in ESS2	Type of Worker likely to be affected	Magnitude of Potential Risk	Mitigation Measures
Occupational Health and Safety accident and injuries (safety and health hazards)	Project workers (semi-skilled and manual workers)	low	<ul style="list-style-type: none"> • The NBI/PIU will ensure that each active site of work will have a trained and certified first aid technician/medical officer, at all times when workers are at the work site, with adequate medical and related health supplies to address worker construction and related injuries at remote, isolated worksites throughout the site-specific work period. • The NBI/PIU will prepare and implement Emergency Response Plan (ERP) according to ESS4 para.19-20 and based on the results of a Risk Hazard Assessment (RHA) pursuant to ESS1 and in conformity with ESS2 para.6. • The NBI/PIU will compel the contractor to install warning signs, barricades appropriately at all active worksites throughout the duration of work at each respective site. • The contractor will ensure that all workers are provided with appropriate personal protective equipment (PPE) and that they receive regular training

Potential Risks as identified in ESS2	Type of Worker likely to be affected	Magnitude of Potential Risk	Mitigation Measures
			<p>from recruitment for project work and at least once per month during project implementation, on use of their PPE. The contractor will also ensure that all visitors to work sites are given appropriate PPE.</p>

4 BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

Various laws, policies, systems, standards and international codes of practice are applicable to the implementation of this Project in the nine Nile basin Riparian countries. The national legislation requirements of these countries generally conform to the provisions of the WB Environmental and Social Framework (ESF) and Environmental and Social Standard 2 (ESS 2). The Project will incorporate hired labour at different stages from Project planning, implementation and monitoring. The LMP highlights the labour legislation in each of the 9 Nile Basin countries, including their legislation on employment, terms and conditions of work, application of national legislation to different work categories like local workers, contracted or temporary workers, and migrant workers, among others. It also highlights clauses on wages, deductions and benefits; occupational health and safety and how the legislation applies this to different categories of workers. The NBI/PIU has developed this LMP to avoid, mitigate, minimize, and manage risks and impacts in relation to labour and employment issues in relation to this Project.

The NBI/PIU will ensure that all project workers, including those engaged through contractors and primary suppliers, and community workers, are provided with written information at the beginning of the work assignment related to the Project and the terms and conditions of their employment in their respective countries, in a form that is clear and understandable to the individual worker. The information provided will set out their rights under national labour and employment law in the respective countries, and in accordance with the provisions of ESS2 para.10. The other provisions that are spelt out in the national employment and labour laws for each country and covered by the WB ESS2 include, but are not limited to, payment of workers in regular basis, periods of rest per week, annual holiday, and sick, maternity and family leave (ESS2 para.11); and provisions for termination of work and payment of relevant entitlements and benefits before termination of work as detailed in ESS2 para.12. Additionally, depending on the country, the applicable country labour and employment laws are generally in line with the core labor conventions of International Labour Organization (ILO). Annex 1 of this LMP lists the ratification status of each of the core conventions for each of the countries where the Project will operate.

4.1 Uganda

Various laws, policies, systems, standards and international codes of practice are applicable to the implementation of the project in Uganda. The Uganda legislation requirements generally conform to the provisions in the WB Environmental and Social Framework (ESF) and the provisions of the WB ESS2.

4.1.1 The National Constitution of Uganda

Article 31(b) of Constitution (1995) guarantees (inter alia) gender equality and labour rights, and equal opportunity in political, economic, and social activities, including through affirmative action. The Constitution guarantees, in its Objective XIV (a), the right of all Ugandans to (inter alia) freedom of association, the right to collective bargaining, and paid vacation (Chapter Four).

4.1.2 The Government of Uganda COVID-19 Legal and Policy Response

The Government of Uganda has enacted regulations, Judiciary circulars and Ministerial guidelines regarding the response to COVID-19 in the work place. Some examples of such instruments that might affect the project workers include the following:

i. Regulations

- Public Health (Control of COVID-19) Rules, 2020
- Public Health (Prohibition of Entry into Uganda) Order, 2020
- Public Health (Prevention of COVID - 19) (Requirements and Conditions of Entry into Uganda) Order, 2020
- Public Health (Notification of COVID – 19) Order, 2020

ii. Judiciary Circulars

- Uganda Chief Justice Circular: Administrative and Contingency Measures to Prevent and Mitigate the Spread of Corona Virus (Covid-19) by the Judiciary, 19 March 2020

iii. Ministry of Public Service

- Circular Letter No 3. of 2020: Guidelines on Preventive Measures Against Corona Virus (Covid-19)

Analysis of the impacts of COVID-19 on employment in Uganda and the legal and policy responses are outlined below. Detailed information on the responses to frequently asked questions with regard to COVID-19 and employer/employee or work relationships can be found at <http://www.mmaks.co.ug/articles/2020/04/06/faqs-impact-covid-19-ugandan-laws>.

- The Emergency Powers Act (Cap 297 Laws of Uganda) provides for passing of regulations by the Minister, which may be expedient for inter alia securing the public safety and for maintaining the necessary supplies and services.
- An employer is under a legal obligation, pursuant to Rule 3 (1) of The Public Health (Control of Covid-19) Rules, 2020 (issued on 25th March 2020) notify the local authority upon becoming aware that any employee is infected with an infectious disease, COVID-19 being one such example.
- An employer is not legally obligated to notify employees if any of their employees is infected with the COVID-19 virus. The Public Health Act (PHA) however empowers the Minister of Health, in respect of an infectious disease to make rules setting out inter alia duties of employers in relation to the infectious disease. No rules have been made yet in relation to COVID-19.
- The Occupational Safety and Health Act, 2006 (OSHA) imposes a legal obligation on employers to take various measures to ensure that the workplace is safe for all employees. Employers must therefore put in place measures to protect their employees from the spread of COVID-19 at the workplace.
- If an employee is infected at the place of work, an employer is liable under the Workers Compensation Act, Cap 225 to compensate the employee for work related infections/injuries. Infections/injuries resulting from deliberate and wilful misconduct of the employee are however excluded.
- An employer may be held liable under the Occupational Safety and Health Act, 2006 (OSHA) for not doing enough if someone caught the virus and spread to other staff members.

4.1.3 Policies

National Employment Policy (2011)

The Policy provides a framework to promote productive, decent employment and enterprise development, compliance with labour standards by employers, investors and workers, social protection and social dialogue. Social dialogue, affirmative action, promotion of gender equality for all in employment, addressing HIV/AIDS in the workplace, and community participation are crucial guiding principles of the Employment Policy.

National Child Labour Policy (2006)

The Policy provides a framework for addressing child labour and actions that need to be taken to deal with child labour. The policy guides and promotes sustainable action aimed at the progressive elimination of child labour, starting with the worst forms.

National Gender Policy (2007)

The Policy mainstreams gender concerns in the national development process in order to improve the social, legal/civic, political, economic and cultural conditions of the people of Uganda, particularly women.

National Industrial Policy (2008)

This Policy provides strategies for OHS. Labour policies that specifically address Gender and Vulnerability include the 2012 Employment (of Children) Regulations, 2012 Employment (Sexual Harassment) Regulations, National Gender Policy, National Action Plan on Elimination of the Worst Forms of Child Labour in Uganda (2012/13-2016/17), and National Policy on HIV/AIDS and the World of Work (2007).

4.1.4 Laws

The Employment Act (2006)

This law is the main legislation that guides labour practices in Uganda.

Terms and conditions provided by this Act include the following:

- Prohibition of child labour, prohibition of forced labour, freedom of association, prohibition of discriminations, employment standards.
- The employment standards provided for in the Act include maximum hours of work, night work standards, right to break during working day, leave and fair terminations including

maternity leave, protection of wages, rest and holidays, employment of women, employment of children and care of employees.

- The above terms and conditions apply to all employees employed by an employer under a contract of service.
- The 2012 Regulations of the 2006 Employment Act prohibit sexual harassment in the workplace.

The Worker's Compensation Act (2000)

The Act provides for the compensation of works for injuries suffered and diseases incurred in the course of their employment providing clear guidance on the employers' liability in case of injury during work execution.

The Labour Disputes (Arbitration and Settlement Act) (2006)

- The Act provides for arbitration in labour related grievances and is emphasized during project planning and implementation.
- The Act seeks to promote social dialogue, facilitate collective bargaining, and modernize procedures to address unresolved or mismanaged labour disputes that may have adverse effects.
- The 2011 Regulations of the 2006 Employment Act deters employers from the casualization of labour by granting contractual/permanent rights to any worker exceeding four (4) months of service.

4.2 Tanzania

4.2.1 The Constitution of the United Republic of Tanzania

The Constitution of the United Republic of Tanzania recognizes the right to work with equal income rights and the right to work and the right to a reasonable payment.

4.2.2 Policies

National Employment Policy (2008)

The overall objective of the policy is to safeguard the basic rights and interests of workers in accordance with International Labour Standards.

- The Policy iterates that the employment of foreigners to only be conducted in cases where there are particular skills and expertise which are not available in the country. It states that “The Government in collaboration with the private sector and other stakeholders will establish mechanism to provide employment permits only to foreigners with appropriate skills and technical expertise that is not readily available in Tanzania”.
- The policy also advocates for the protection of Persons with Disabilities; with HIV/AIDS and access equally both paid and self-employment opportunities.
- Environmental protection concerns as stipulated in the respective National Environment Policy and Laws shall be ensured and mainstreamed in all employment creation programmes.
- The policy also provides for safeguarding the basic rights and interests of workers, with regard to International Labour Standards, including those on forced labour, Freedom of Association and the Right to organize and Bargain Collectively; the Principle of Nondiscrimination and Equality of Treatment and Opportunities will be pursued.

4.2.3 Laws

The Employment and Labour Relations Act (2004) and Labour Institutions Act (subsidiary legislations) and accompanying regulations provide a legal framework for the safeguard of worker’s management and rights. The most relevant subsidiary legislations include:

- The Employment and Labour Relations (Code of Good Practice) Rules, 2007, Government Gazette, Notice No. 42 of 2007
- The Employment and Labour Relations (Forms) Rules, 2007, Government Gazette, Notice No 65 of 2007
- The Employment and Labour Relations (General) Regulations, 2017, Government Notice 47 of 2017

This Act regulate employment matters in terms of employment standards i.e. maximum hours of work, minimum acceptable pay within the construction industry, night work standards, right to break during working day, leave and fair terminations, prohibition of child labour, prohibition of forced labour, freedom of association, leave provisions – annual, sick and holidays, dispute

resolution/ grievance management, contractual arrangements, terms and working conditions and prohibition of discriminations.

The ELRA covers the entire scope of the minimum terms as follows:

- Working hours: employee may work for nine (9) hours inclusive of a one (1) hour meal break per work day; forty-five (45) hours a week; and a maximum of six (6) days a week.
- Overtime hours: are to be paid at a rate of one and one half (1 ½) times the employee's wage for any hours worked over a standard work day (9 hours inclusive of a 1 hour meal break)/week (45 hours). Employees are prohibited from working more than fifty (50) hours of overtime over a four-week cycle. Overtime is not to exceed ten (10) hours a week.
- Total hours: Workers may work twelve hours in a day, however, this must not exceed the forty-five (45) hour limit of working hours a week. Tanzanian law limits work to twelve (12) working hours per day, inclusive of ordinary and overtime working hours.
- Employees are entitled receive pay for all public holidays. When employees are obligated to work on a public holiday, the worker is entitled to double their basic wage for each hour worked.
- Night work: are to be compensated at least five percent (5%) of their basic wage or overtime wage for each hour worked at night. However, some categories of workers are prohibited from night work including pregnant workers two months before delivery, mothers two months after delivery, children under the age of eighteen (18) and anyone medically certified as unfit for night work.
- Rest Periods: employees are entitled to a sixty (60) minute break over a five (5) hour period of consecutive work. Employers must allow workers to have a daily rest of up to twelve (12) hours between ending and commencing work; and a weekly rest of up to twenty-four (24) hours.
- Deductions: An employer is not authorized to make deductions from an employee's salary unless permissible by law, contractually agreed to, or court ordered.
- Leave: Annual leave (28 days inclusive of public holidays), sick leave (126 days in a 36 month cycle), maternity (84 days in a 36 month cycle), and paternity leave (3 days) and compassionate Leave (Family Responsibility Leave usually 4 days). However, other types of leave may be negotiated through collective bargaining and documented.

- Termination: Both parties to a contract have the right to terminate employment. The Employment Act requires that all forms of termination be documented in writing and adequate period of notice be given prior to terminating employment.

Terms such as prohibition of forced labour, prohibition of child labour, prohibition of discriminations and maximum hours of work also applies to community workers. The legislation requirements presented in the Tanzania Employment and Labour Relations Act (2004) conform to guidance provided in WB Environmental and Social Framework (ESF) and Environmental and Social Standard 2 (ESS 2).

The Workers Compensation Act (2008)

The Act strives to ensure the provision of equitable compensation for employees who suffer occupational injuries or contract occupational diseases arising out of, and in the course of their employment; and prevention of accidents and occupational diseases. Section 19(1) of the Act states that where an employee has an accident resulting in the employee's disablement or death, the employee or dependents of the employee shall be entitled to the compensation provided under the act.

The Non-Citizens (Employment Regulations) Act (2015)

The Act states that a non-citizen of the Republic of Tanzania shall not engage in any occupation for reward, profit or non-profit unless he/she has a valid work permit that allows the person to engage in the occupation specified in the valid work permit.

4.3 Kenya

4.3.1 The Constitution of Kenya (2010)

Kenya has a very elaborate legal framework on matters of labour and working conditions. The Constitution of Kenya (CoK) 2010 provides a number of relevant clauses with regard to employment, labour and working conditions, which are consistent with the provisions of the ESS2. Examples of such clauses in the CoK include:

- Article 2 recognizes ratified treaties as part of the laws of Kenya.
- Article 27 on non-discrimination provides for equality and prohibits discrimination on various grounds including race, sex, pregnancy, marital status, health status, ethnic or

social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth.

- Article 41 on Labour Relations addresses the entitlements and guarantees afforded to workers, employers and the unions and exercisable by them within Kenya's employment regime. These entitlements are anchored on key human rights and freedoms such as the right to human dignity (Article 28), servitude and forced labour (Article 30), and the right of everyone to have their privacy respected (Article 31).

Applicable International Instruments

The applicable international instruments in Kenya with regard to labour, employment and working conditions include: International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (ICERD); Convention on the Rights of the Child, 1990, (CRC); Convention on the Protection of the Rights of all Migrant Workers and Members against Women, 1979 (CEDAW).

The International Labour Organization (ILO) instruments applicable in Kenya include:

- Freedom of Association and Protection of the Right to Organize (ILO Convention 87)
- The Right to Organize and Collective Bargaining (ILO Convention 98); Forced Labour (ILO Convention 29)
- The Abolition of Forced Labour (ILO Convention 105)
- Minimum Age (of Employment) (ILO Convention 138)
- The Worst Forms of Child Labour (ILO Convention 182); Equal Remuneration (ILO Convention 100)
- Discrimination (Employment and Occupation) (ILO Convention 111)

Since the 13th of March 2020 when the 1st case of the COVID -19 was reported in Kenya, the Government of Kenya has enacted the following (selected) directives, policies and laws that touch on public health, fiscal policies, behavioural social status and the administration of justice that might impact workers:

i. Executive Orders

- [Presidential Address on Enhanced Measures in Response to the COVID~19 Pandemic](#), April, 6 2020

- [Presidential address on the State interventions to cushion Kenyan's against economic effects of COVID – 19 pandemic](#) – March 25, 2020.

ii. Kenya Gazette/Legal Notices

- [Legal Notice No. 59](#): Public Finance Management Act(No. 18 of 2012); Waiver of court fees in respect of commercial disputes

[Legal Notice No. 57](#): Public Order(State Curfew) Variation Order, 2020

- [Legal Notice No. 58: Public Health \(Covid- 19 Restriction of Movement of Persons and Related measures\) Variation Rules, No. 2 of 2020](#)
- [Legal Notice No. 50](#): Public Health (Covid-19 Restriction of movement of persons and Related Measures) Rules, 2020
- [Legal Notice No. 51](#): Public Health (Covid-19 Restriction of movement of persons and related measures) (Nairobi Metropolitan Area)Order, 2020
- [Legal Notice No. 49](#): Public Health (Prevention, Control and Suppression of Covid-19)Rules, 2020
- Value Added Tax Act 2013, No. 35 of 2013 [Legal Notice No. 35](#):The Value Added Tax (Amendment of the Rate of Tax) Order, 2020.
- The Public Order Act, Cap. 56 [Legal Notice No. 36](#):The Public Order (State Curfew) Order, 2020.
- [Kenya Gazette Number 2357 of 2020](#) issued March 21, 2020 on Practice Directions on Electronic Case Management, made pursuant to Articles 159 (2) and 161 (2) (a) of the Constitution, section 10 of the Judicature Act and section 81 (3) of the Civil Procedure Act.

iii. Directives and Circulars on the Administration of Justice

- [Contact details for officers to facilitate operations in all Courts during the Covid-19 scaled down period](#)
- [Judiciary to upscale justice delivery through increased use of technology; to delay resumption of open court activities by the Hon. Justice David K. Maraga, EGH, Chief Justice and Chairman of the National Council on the Administration of Justice issued](#) – 21st April, 2020

iv. Judiciary Practice Directions

- [Practice Directions on the upscaling operations of the Employment and Labour Relations Court](#)
 - [Practice directions for the protection of Judges, Judicial Officers, Judiciary Staff, other Court users and the General Public from the risks associated with the global Corona virus pandemic](#) Gazette Number 3137 of 2020
 - Practice directions on Electronic Case Management, Gazette Number 2357 of 2020 made pursuant to Articles 159 (2) and 161 (2) (a) of the Constitution, section 10 of the Judicature Act and section 81 (3) of the Civil Procedure Act, accessed at: [Practice Directions on Electronic Case](#)
- iv. Parliament
- [Guidelines consequent on the declaration of COVID-19 \(Corona Virus\) as a global health pandemic and the confirmation of a case of CoronaVirus infection in Kenya.](#)

4.3.2 Policies

The National Occupational Safety and Health Policy (2012)

This Policy seeks to reduce the number of health-related accidents and diseases, and equitably provide compensation and rehabilitation to those injured at work or those who contract occupational diseases. The policy provides for inclusion of occupational and health learning in employment in service training; gender responsive work spaces through institution of affirmative action aimed at addressing work place gender biases in occupational health and safety; creation of awareness among workers, employers and community at large on the occupational safety and health gender issues. The Policy provides for institution of work place programmes and a code of practice on HIV and AIDS at work addressing prevention, care and support for those infected and affected. It also provides for provision of facilities for persons with disabilities and other special needs at work places, and development of strategies for prevention of environmental pollution emanating from work place activities.

4.3.3 Laws

Employment Act (2007)

The Employment Act 2007 (amended 2019) is Kenya's main legislative enactment on the laws governing employment and labour relations. It addresses itself to regulating the tripartite relationship that exists between the employers, employees and the government including the State's mediator-role in safeguarding the entitlements of both parties. The Act, which has been amended several times, the latest being in 2019, defines the fundamental rights of employees, and provides basic conditions of employment for employees, including the regulation of employment of children. As a result, this Act most closely aligns with essential imperatives that are evident in the ESS2 Standard of the World Bank.

The Employment (General) Rules, 2014 is a single subsidiary legislation of the Act that largely expounds on the terms and conditions of work - aside from other procedural aspects; with an entire schedule outlining the minimum rights bestowed upon employees, and another dedicated to the requisite elements of the 'Policy Statement on Sexual Harassment'.

The Employment Act addresses the employer-employee power-dynamic, focusing on the employer-employee engagement from the insular perspective of a direct contractual arrangement between the two parties. The Act assumes that all persons who fit the descriptions of 'employer' and 'employee' are governed by this law including those implementing development projects within the country's jurisdiction.

The law defines the different categories of employees using various approaches. These include definitions by nature, and length of the employee-engagements. The categories include:

- casual employees – employees who are not engaged for a longer period than 24 hours at a time
- part-time employees,
- full-time employees,
- piece work employees where the focus is the amount of work performed irrespective of the time occupied in its performance, and
- probationary contract employees, which address the formalities and length of the probationary period.

In the case of migrant workers, the Act addresses the issues of the employees' nationality and origin. The Act defines migrant workers as those persons migrating to Kenya specifically for purpose of the employment. The Act provides the requirements to be met by migrant workers before they are employed.

The Act provides for the minimum terms and conditions of employment of an employee and grounds upon which a contract may be nullified. This is intended to discourage any arrangements that seek to undermine the statutory standards hence upholding the requirements of WB ESS2 Standards.

The Act establishes the minimum terms and conditions of employment; protects against forced or compulsory labour; and promotes equality of opportunity in employment in order to eliminate discrimination in employment; promotes and guarantees equality of opportunity for a person who is a migrant worker or a member of the family of the migrant worker, lawfully within Kenya.

Section 17 of the Act gives provisions on protection of wages and states that an employer shall pay the entire amount of the wages earned by or payable to an employee in respect of work done by the employee in pursuance of a contract of service directly.

Below is the list of relevant provisions of the Employment Act, 2007 with regard to terms and conditions of work.

1) Content of individual contract in-line with Employment Act 2007 (Section 10)

Subject to the provision of this Act or regulations made hereunder, a written individual contract of employment shall specify the following:

- name and father's name of workers
- address, occupation, age and sex of workers
- employer's name and address
- nature and duration of contract
- hours and place of work
- remuneration payable to the worker
- procedure for suspension or termination of contract.

2) Notice for termination of contract in-line with Employment Act, 2007 (Part VI; Sections 35 - 51). Either of the contracting parties may terminate a contract of employment by giving written notice in-line with the provisions of employment Act, 2007:

- Not less than ten days in the case of manual workers.
- Not less than 30 days in the case of non-manual workers.
- Provided that no notice need be given in case the duration of contract does not exceed one month.

3) Protection of wages in-line with Employment Act, 2007 (Part IV; Sections 17 - 25)

- Taking into consideration the economic and social conditions of the country (and in consistence with the provisions of Employment Act, 2007 and NEMA Human Resources Manual), the minimum wages for any category of workers may be determined by the Salaries and Remuneration Commission (SRC).

4) Hours of work – Employment Act, 2007 (Article 85, 86)

- The normal hours of work of a worker shall not exceed eight a day or 48 a week.
- Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate overtime payment in-line with the provisions of NEMA Human Resources Manual on allowances.

5) Weekly rest

- Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week.
- Workers shall also be entitled to a rest day on public holidays recognized as such by the State.

6) Annual leave (Employment Act, 2007)

- Workers shall be entitled to 30days' leave with pay for every year of continuous service.
- An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

7) Fringe benefits (Employment Act 2007)

Any employer shall provide:

- accommodation when a worker is required to be away from his normal residence; (b) free food to workers, or subsistence allowance in place thereof

- free transport to and from the place of work, when a worker is required to work in a town or locality away from his normal residence.

8) Deductions from remuneration (Employment Act 2007)

- No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labour agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing.

9) Death benefit (Employment Act 2007)

- In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.

10) Maternity and Paternity Leaves (Employment Act, 2007)

- A woman worker shall be entitled for maternity leave with pay for 90 days and male workers 14 days in-line with the provisions employment Act, 2007 and NEMA Human Resources manual.

The Work Injury Benefits Act (2007)

The key provisions of the Act and which are consistent with the provisions of the WB ESS2 include:

- This Act compels employers to have an insurance policy to cushion employees from potential injury from work;
- The Act makes employers liable to pay compensation should an employee be injured at work;
- The Act provides for provision for medical aid (first aid) in places of work.
- Section 19 of the Act provides that the employer may deduct from the wages of his employee any amount due from the employee as a contribution to any provident fund or superannuation scheme or any other scheme approved by the Commissioner for Labour to which the employee has agreed to contribute.

4.4 Rwanda

4.4.1 Policies

National Employment Policy (Revised, 2019)

The Policy contains provisions for creating conducive work environments and promotion of employment opportunities for marginalized groups in Rwanda including the youth, women and Persons with Disabilities. The Policy promotes compliance with the fundamental principles and rights at work, legal and lays foundation for regulatory framework to promote labour rights, including creation of knowledge and awareness on Occupational Safety and Health.

National Policy on Elimination of Child Labour

The Policy aims to protect children against child labour and exposure to hazardous work. The policy gives employers an important role in the prevention and withdrawal of children from hazardous work, including awareness raising among employers, especially in informal sector, and supporting direct action with (potential) child workers for demonstration purposes, including Time-bound Programmes to address Worst Forms of Child Labour.

4.4.2 Laws

Law Regulating Labour in Rwanda No. 66 of 30/08 (2018)

Article 4 of the law provides for conducive working environment for employees. Article 5 stipulates that the minimum age for admission to employment is sixteen (16) years. However, a child aged between thirteen (13) and fifteen (15) years is allowed to perform only light works in the context of apprenticeship. On forced labour, Article 7 of the Act states that It is prohibited to impose forced labour, permit the imposition thereof or accept, whether directly or indirectly, that a person be subjected to forced labour. Article 8 states that Sexual harassment in any form against supervisee is prohibited. It is also prohibited to dismiss an employee for having reported or testified on sexual harassment committed by his/her supervisor.

Article 9 states that employers must accord employees equal opportunity at the work place, hence limiting discrimination at the workplace. An employer is prohibited from discriminating employees on basis of ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural difference, language, physical or mental disability or any other form of discrimination. Every employer must pay employees equal salary for work of equal value without discrimination of any kind.

Article 12 states that the employment relationship between the employer and foreign employee is governed by this Law unless otherwise provided for by international treaties ratified by Rwanda. There must be a written work contract for engagement and any matters regarding work permit are the jurisdiction of the Rwandan immigration and emigration laws. Article 19 entitles employees injured at the work place to compensation. Article 39(4) compels employers to pay the employee the agreed salary on time (9) to provide employees with appropriate work equipment.

4.5 Burundi

4.5.1 Laws/Codes

Burundi Labour Code, 1993

The Code provides that salaries and wages are determined as a result of mutual agreement between the employers and workers or by the Order of the minister who is in charge of labour. In accordance with the Labour Code, wages must be paid in legal tender regularly at the time and at agreed location. Amount of remuneration must not be less than the minimum wage. Wages are paid directly to the worker unless he/she accepts otherwise.

Other relevant regulations on employment and wages in Burundi include

- Ministerial Order n. 650/11/88 30 April 1988;
- Ministerial Order n. 630/116, 9 May 1979;
- Ministerial Order n. 630/117, 9 May 1979; and
- Ministerial Order n. 630/136, 12 July 1978

4.6 Ethiopia

4.6.1 The Constitution of the Federal Democratic Republic of Ethiopia (FDRE)

The Constitution of the FDRE contains provisions for rights to labour, forming associations, bargaining collectively with employers, expressing grievances including the right to strike, reasonable limitation of working hours, rest, periodic leave with pay, remuneration for public holidays as well as healthy and safe work environment.

4.6.2 Policies

National Employment Policy and Strategy of Ethiopia (2009)

The Policy contains provisions for ensuring labour protection and decent working conditions. Institution of affirmative action approach so that a specified proportion of beneficiaries of formal sector employment (particularly public sector) are women. The Policy protects the rights of immigrant workers through regulation of private employment service provision to ensure the migrants are safe from exploitation.

The policy contains provisions for HIV/AIDS at the work place – improve the employment opportunities and employment outcomes of persons living with HIV/AIDS – encouraging the victims to maintain their productivity and skill levels so that their marginal productivity does not decline would be of paramount importance.

Gender sensitivity and mainstreaming in employment – Enforcing affirmative actions in such a way that a specified proportion of beneficiaries of mainstream programs and projects are women; Encouraging gender-friendly appropriate technology to reduce the drudgery of women’s domestic and economic activity and enhance their productivity and incomes and as a result their income earning capacities.

4.6.3 Laws/Proclamations

Labour Proclamation No. 1156 (2019)

The employer is obligated to provide the employee with work as stipulated in the employment contract; to pay the worker wages and other emoluments in accordance with this Proclamation or the collective agreement; to take all the necessary occupational safety and health measures and to abide by the standards and directives to be given by the appropriate authorities in respect of these measures. Section 55 states that Wages shall be paid in cash provided, however, that where the employer and worker so agree, it may be paid in kind. Wages paid in kind may not exceed the market value in the area of the payment in kind and in no case may they exceed 30% of the wages paid in cash. On child labour, the minimum employment age is 15 years with only light tasks permitted and provided it does not interfere with education.

The Right to Employment of Persons with Disabilities Proclamation No. 568 (2008)

Article 4(1) of the Act states that a person with disability having the necessary qualification and scored more than other candidates shall have the rights without any discrimination to:

- Occupy a vacant post in any office or undertaking through recruitment, promotion, placement or transfer procedures; or
- Participate in a training program to be conducted either locally or abroad.

4.7 Republic of Sudan

4.7.1 Constitution of the Republic of Sudan, 2005

The Constitution of the Republic of Sudan recognizes the need for labour protection and in Article 30(2) states that No person shall be required to perform forced or compulsory labour except as a penalty upon conviction by a court of law.

Besides the Constituion of the Republic of Sudan, various terms and conditions apply for workers as per the Government of Sudan Labour Laws and in conformity with the provisions of the WB ESS2. They include:

- Labour Act 1997.
- Second Public Servant Regulation 2007.
- Compensation cause of injuries: Employee compensation is covered by compensation act 1981 and Social Insurance and Pensions Act 2016.

The following section provides the detailed terms and conditions summarized from the above Acts and regulations. The terms and conditions give details of clauses in relation to rest during work, payment of wages, leave and prohibition of child and forced labour. These national laws consequently conform to the provisions of the WB ESS2.

i. Rest

Workers are entitled to a weekly rest period consisting of not less than twenty-four non-interrupted hours in the course of each period of seven days. The weekly rest period shall be calculated as to include the period from 6 a.m. to the next 6 a.m. Where the nature of the work or the service performed by the employee is such that the weekly rest cannot fall on a Sunday another day maybe made a weekly rest day as a substitute.

ii. Wages

According to the Labour Act 1997, unless the context otherwise requires, wage means the aggregate of the basic pay and all other remunerations payable to the worker by an employer and

includes the value of any food, fuel or residence and any overtime, payments or other special remunerations for any work done and any other increments, provided, or gift or traveling allowance or privilege or any subscription paid by the employer for the worker in any social insurance project, such as provident fund or pension or life insurance, or special expenses paid by the employer to the workers;

Article 28 (1) provides that any contract that exceeds three months in duration shall be made in writing by the employer. Such contract shall be written in three copies and signed by the two parties. Each party shall keep one copy and the third copy shall be deposited with the Labour Office.

Article 30 gives the content of contract which should include among others "the agreed wage and the time of payment". Note: It is important to mention here that the minimum wage is determined by national tripartite committee.

Article 13 the worker wage is determined by the initial value of his position. Article 15 employment condition specify the age of employment as not greater than the age of retirement (65) and not less than 18.

iii. **Leave (Annual, Sick and Maternity Leave)**

Article 44 organizes the annual leave after completing one year of continuous service with full pay as follows:

- a) if the worker completed from one year up to three years of continuous service, he shall be entitled to annual leave equal to twenty days;
- b) if the worker completed eight years and less than fifteen years of continuous service, he shall be entitled to annual leave equal to twenty-five days;
- c) if the worker completed fifteen years or more of continuous service, he shall be entitled to annual leave equal to thirty days;

Article 38 (1) provides that a woman worker after the completion of six months of service from the date of her appointment and for any subsequent year of service, shall be entitled to a delivery leave on full pay. Without prejudice to the provisions of Paragraphs (a) and (b) of Section 50 of this Act, the woman worker shall not be dismissed during the period of pregnancy, or during the delivery leave.

Article 39 (1) states that subject to the provisions of the Work Injuries Compensation Act 1981, if the worker completed a period of not less than three months of continuous service and is unable to come to the place of his work because of a certified illness the reason of which is not due to his misconduct or negligence, he shall be entitled to a wage for all the days of his absence, due to such illness and the wage shall be calculated as follows: three months with full pay, three months with half pay, and three months with quarter pay.

The Article also provides that the worker shall not be on sick leave with reduced pay unless he exhausted his normal leave, and if the illness continues for a period of more than stated above, the worker shall be on a sick leave without pay until he is sent during a reasonable period to the Medical Commission, to decide promptly his fitness for work. Article 105 determines the sick leave according to official medical report.

The Work Injuries Compensation Act (1981) consists of four main sections: Section one covers the Preliminary provisions; Section two covers workplace injuries; Section three covers the workplace injury compensation; and Section four covers the various provisions.

iv. Prohibition of child and Forced Labour

A child is defined by the Labour Act of 1997 as any person less than sixteen years of age. The Labour Act 1997, Chapter IV, Article 21: (1) provides that it shall be forbidden to employ young persons of sixteen years in any of the following jobs:

- carrying heavy loads;
- work involving the use of metal presses;
- work related to iron and steel smelting;
- work performed under ground or under water, and mining and quarrying work;
- work involving the use of lead or lead compounds;
- jobs in which workers are exposed to organic or inorganic poisonous or harmful material such as lead, mercury, calcium, benzene and its derivatives;
- jobs involving x-rays and other harmful radiation;
- jobs involving the maintenance of machinery and conveyer belts.

Without any prejudice to the provisions of sub-paragraph (1) it shall be forbidden, as a rule, to employ a young person in hazardous or unhealthy industries and jobs or in jobs requiring large

physical effort or in jobs or occupations which are harmful to their morals. Such jobs and industries shall be specified by order of the Minister or his delegate. It shall be forbidden to employ a young person between 8.p.m. and 6.a.m. The competent authority (the Governor or Minister) may, however, exclude any category of young persons of sixteen years from this provision in cases of young persons between the age of 15 and 16 years.

The Act also provides that it shall be forbidden to employ young persons under the age of 12 years, except in:

- the State's training schools;
- non-profitable training workshops;
- jobs supervised by his family members in establishments which do not employ other persons;
- jobs performed under apprenticeship contracts.

The Minister or his delegate may, after consultation with the Committee, prohibit the employment of young persons under the age of 15 years in industries and establishments to be specified by a ministerial order. In observance of the provisions of sub-paragraph (5), it shall be prohibited to employ any young person under the age of 15 years unless he/she lives with his/her guardian in the area of his/her work.

It shall be prohibited to present the contract of employment of a young person as a pretext against him/her unless his/her guardian had approved of his/her employment and had provided the employer with evidence proving that he has authority over the young person, that the young person lives in the area where the job is located, and which proves the validity of his/her address.

It shall be prohibited to make a young person work overtime or to work during his/her weekly periods of rest, official holidays, or to waive, postpone or reduce his/her annual leave entitlements.

Other provisions on prohibition of child and forced labour include the following:

- Labour Act 1997, Chapter IV, Article 22: Prior to employment, young persons shall undergo a full medical examination which shall be repeated on a periodical basis during his/her employment in a manner to be specified by the competent authority according to

the type of work performed by the young person. The government hospital doctors shall perform the necessary examination and issue the necessary medical certificates.

- Labour Act 1997, Chapter IV, Article 23: The normal hours of work for young persons shall be seven hours a day broken by a period of rest of one paid hour. It shall be forbidden to make a young person work for more than four consecutive hours.
- Labour Act 1997, Chapter IV, Article 24: Employers shall post in a visible place at the workplace the regulations governing the employment of young persons as provided for by this Act and the hours of work and periods of rest.

4.8 South Sudan

4.8.1 Laws

Labour Act (2017)

The Act contains provisions for protection of both employees and employers from exploitation. Article 6(1) states that No person shall discriminate, directly or indirectly, against an employee or job applicant in any work policy or practice. It is based on the grounds of race, tribe, nationality, colour, gender, pregnancy, marital status, religion, age, political opinion, disability, health and HIV/AIDS and membership in a trade union.

On sexual harassment, Article 7(1) states that No person shall sexually harass an employee or an employer. This shall be an offense against an employee and which by its nature has a detrimental effect on that employee's job performance or satisfaction. Article 7(2) states that an employer shall ensure that no person shall sexually harass an employee in the course of such employee's work for the employer.

The Act also contains provisions for equal remuneration for work of equal value in which section 8 states that;

- Every employee shall be entitled to equal remuneration for work of equal value.
- Every employer shall take steps to guarantee equal remuneration for every employee for work of equal value.

Regarding forced labour, the act reiterates that No person shall engage in the recruitment or use of forced labour or assist any other person to engage in such activities. The minimum working

age is 14 years and no child under this age shall be permitted to work or an employer permitted to employ.

In relation to foreign employment, the Act states that any foreign employer shall give priority of employment, at least 80% at different levels of management, to nationals, especially where necessary skills are available; The Office of the Labour Commissioner may require an employer that employs foreigners to provide security by bond in the prescribed form to the office of the Labour Commissioner. On wages and salaries, the Act states that all employers shall pay the wages/salaries of their employees without discrimination on the bases of nationality and in the same legal tender.

4.9 Democratic Republic of Congo (DR Congo)

4.9.1 The Constitution of the Democratic Republic of Congo, 2005 (Revised, 2011)

The constitution of the Democratic Republic of Congo recognizes the rights of people in employment. Article 36 of the Constitution states that “the State guarantees the right to work, protection against unemployment and an equitable and satisfactory remuneration, assuring the worker as well as his family of an existence in accordance with human dignity, together with all the other means of social protection, notably retirement pension and life annuities”. On discrimination, the Constitution states that no one may discriminate against any person in their work because of their origin, their sex, their opinions, their beliefs or their socio-economic condition.

4.9.2 Laws/Codes

The Labour Code (2002)

The Code promotes the hiring of nationals of the DR Congo as opposed to expatriates though it does not show any discrimination in cases where there is need to hire talent from outside the country. The Act states that any employer willing to hire an expatriate is to file with the regional Employment office a dossier that should consist of employment contract.

Article 37 of the Labour Code sets out the minimum requirements to be met by employers towards employees and stipulates that any clause according a less favorable treatment is null and void. Any employment contract should be evidenced in writing; mention certain details, and in

absence of a written contract the employee may prove by all legal means including witnesses the existence and scope of the contract.

Ministerial Order 12/CAB. MIN/ETPS/043/2008 (2008)

The Ministerial Order sets the conditions for the organization and operation of workplace safety, hygiene and beautification committees. These committees are essential in designing, correcting and implementing the workplace injury and illness prevention policy, as well as stimulating and monitoring the functioning of occupational health and safety services. They are mandatory for all businesses or establishments employing at least 20 workers.

5 BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

Uganda

The Occupational Safety and Health Act, 2006

The Act provides for a written statement of policy with respect to the safety and health of employees while at work and duties of both the employer and the employee. Aspects of cautions like display of safety precautions to any person who may be affected in a manner in which the employer conducts his or her undertaking, reasonable control measures etc., are also of interest. The OHS measures are meant for protecting workers from injuries, illness or impacts associated with exposure to hazards encountered in the work place or while working. Such OSH measures include awareness raising and guidance on how to prevent accidents at the work place. This aligns with the requirements of ESS2 and National Laws on OSH and work place conditions. Community and casual workers under the project will be provided with facilities particularly protective gears appropriate to the circumstances of their work as advised or as may be advised by an Expert in the respective sector.

Health and Safety guidelines with regard to COVID-19 risks

The NBI/PIU **will utilize** applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- WHO Emergency Response Framework, 2017
- WHO International Health Regulations, 2005

- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- EU OSH Framework Directive (Directive 89/391)

With respect to isolation and quarantine for managing COVID-19 cases, the measures provided in the WHO guidance will be applied. Examples of the provisions that shall be streamlined and applied include the following:

- Appoint a dedicated team with responsibilities to identify and implement actions that can mitigate the effects of COVID-19 on the surrounding community.
- Develop and provide information on good practices for preventing COVID-19 transmission, particularly observing recommendations on social distancing, and for briefing/training the staff to recognize the symptoms of COVID-19 and understand their required response.
- Ask workers to stay away from work in cases where they exhibit any COVID-19 symptoms or have been in close contact with a confirmed COVID-19 patient during the previous 14 days.
- Provide enough water/soap handwashing facilities in all workplaces, and provide disposable tissues and garbage bins.
- Encouraging people should be encouraged to speak up if they encounter non-conforming behavior.
- Adjust workplace designs and work processes to minimize close contact among workers including working in shifts and/or expanding the areas of work.
- Provide suitable and adequate personal protective equipment (PPE) to personnel performing the cleaning activities. The manufacturers' instructions for use of cleaning and disinfection products shall be followed.
- Assess and ascertain the suitability and safety of workers' accommodation. The NBI/PIU could compel the contractor to allocate space for quarantine for staff who exhibit any signs of COVID-19 during working hours and in their residence in case they live in a camp.

- Manage the entrance into the premises (offices and camp sites) to ensure restricted movement and access to water/soap or sanitizer at the entrance for any person coming into the facility or the sub-project area of work.

5.1 Tanzania

The Occupational Health and Safety Act No.5 (2003)

The OHS Act has relevant clauses that support ESS2. The Act provides for risk assessments to be conducted in all workplaces where activities carried out involve risk hazardous processes or hazardous equipment or use of hazardous substances, likely to result in adverse health effects to people or serious damage to property or environment in case of accident.

Part IV Section 43 Safety Provision; Part V Section 54, 55 and 58 Health and Welfare Provisions; Part VI Section 61 (1a), 63(a,b), and 65 Special Provision of the Act, provide procedures for the safety and health of workers at work and work places. Furthermore, the Act describes procedures for the protection of safety, health and welfare of persons other than workers in places of work.

Specific, relevant and direct legislation on occupational safety and health is found under the Occupational Health and Safety Act of 2003. The Act is aimed at protecting against hazards to health and safety arising out of, or in connection to, work related-activities. The OHS Act sets standards that must be observed by employers to ensure that a workplace is safe and secure. Where no standards exist to deal with a particular issue, employers are bound by OHS Act's General Duty Clause which requires employers to provide a place of employment that is free from recognized hazards known to or are likely to cause harm, death or serious physical injury to its employees.

Potentially dangerous devices or machinery must be securely fenced. All power operated devices must be powered off from transmission machinery. Employers must provide an employee with Personal Protective Equipment (PPE) to minimize risks. First aid kits, fire extinguishers and an evacuation plan must also be provided in case of emergency

Workers are obliged to act reasonably to reduce the risk of work-related injuries. Where loss or injury occurs by fault or negligence of the employee, the law makes them partly liable. Employees have the following duties under the OHS Act:

- Take reasonable care for the health and safety of themselves and others who may be affected by his/her actions or omissions at work
- Comply with employer health and safety regulations
- Report to the employer or health and safety representative knowledge of any unsafe or unhealthy situation
- Report immediately to the employer or health and safety representative any incident or accident which results in injury

Health and Safety guidelines with regard to COVID-19 risks

Similar to many other countries, Tanzania's employment and labour laws did not quite envisage a COVID-19 or similar situation. In a recent circular dated 18 March 2020, the Association of Tanzanian Employers (ATE) advised on a few measures that could be taken by employers in response to the ongoing crisis. Among other recommendations, the ATE Circular provides for the following:

- Employers should, bilaterally, hold consultation meetings with employees and trade unions at the workplace with regard to unpaid leave and other flexible working arrangements, such as taking annual leave, to reduce the strain on businesses and potentially buy time until the situation improves.
- Employers should issue specific task contracts for the jobs which are shorter and are of a task-oriented nature. This is because in Tanzania, the minimum duration for a fixed-term contract is 12 months, whereas specific task contracts can be for a shorter duration related to a specific task.
- Employers are encouraged to consider if their employees can work from home especially where the job does not necessarily require physical presence at a work place.
- Employers are also encouraged to review and update their policies and procedures which may be affected by the current situation, including sickness and absence policies. Section 32 of the Employment and Labour Relations Act, 2004 (the ELRA) requires that the employee must produce a medical certificate from a medical practitioner in case of sickness. However, during self-isolation (where the employee is not sick) it is likely not to be possible for the employee to obtain an exemption from duty from a medical

practitioner. Therefore, the employer and employee may either opt for an unpaid leave or a working from home arrangement.

The ATE Circular also advises employees on a number of employment and labour issues during the COVID-19 Pandemic including the following:

i. Sick Leave

- As set out in the Tanzania's labour laws (ELRA), any employee who suffers from COVID-19 is entitled to sick leave for at least 126 days in a 36-months cycle (section 32(1) of the ELRA). The 126 days of sick leave payments are payable as follows:
- The first 63 days, the employee is entitled to be paid full pay; and the subsequent 63 days, the employee is entitled to half pay (section 32(2)(a) and (b) of the ELRA).
- The employer shall not pay the employee for sick leave unless the employee produces a medical certificate issued by a registered medical practitioner or if the employee is entitled to be paid sick leave under any law, fund or collective agreement.
- All identified COVID-19 patients are to be quarantined in specific government health centres. Therefore, once an employee is diagnosed, the employee should use all reasonable endeavours to inform the employer of their health status.

ii. Unpaid Leave

- As previously mentioned, Tanzania's labour law does not envisaged unpaid leave as a working arrangement option. However, in these unprecedented times and with businesses facing difficult financial strains, the employer and employee may engage in dialogue with regards to an unpaid leave arrangement.
- Note that the employee must agree to this arrangement and that an employer should not unilaterally arrive at such a conclusion. Failure to consult an employee may lead the employee to file an unfair termination claim at the Commission for Mediation and Arbitration.

iii. Salary Reduction

- Despite the strain on businesses during COVID-19 pandemic, employers should refrain from unilaterally reducing employees' salaries.
- An employer may engage the employees and trade unions (if relevant) in a one-to-one or group consultation to highlight the business' economic status. The parties may then agree

for the employee to take a salary reduction for a certain period or on terms agreed between them.

iv. Termination of employment contracts

- Where businesses are no longer viable and alternative working arrangements (unpaid leave, salary reduction, working from home among others) fail, an employer may consider terminating an employment agreement by way of operational requirements/retrenchment.
- The procedure for terminating an employment contract by operational requirements, remains stringent even during the COVID-19 pandemic.
- It is imperative that the employer adheres to the retrenchment procedure as provided in the ELRA and other labour legislation in Tanzania.

At the onset of COVID-19 Pandemic in Tanzania, The Tanzania Ministry of Health, Community Development, Gender, Elderly and Children issued a notice to the general public regarding the existence of COVID-19 in Tanzania. Among other things, the Notice requires institutions and employers to take precautionary measures in order to prevent the spread of COVID-19. Such precautionary measures include installing hand washing facilities and sanitizers to ensure cleanliness, avoiding unnecessary travel to countries with reported cases of COVID-19 and avoiding unnecessary internal and external meetings, conducting confidential temperature screening of employees and visitors entering the employer's premises.

Besides, the NBI/PIU could make reference to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- WHO Emergency Response Framework, 2017
- WHO International Health Regulations, 2005
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- EU OSH Framework Directive (Directive 89/391)

With respect to isolation and quarantine for managing COVID-19 cases, the measures provided in the WHO guidance will be applied. Examples of the provisions that shall be streamlined and applied include the following:

- Appoint a dedicated team with responsibilities to identify and implement actions that can mitigate the effects of COVID-19 on the surrounding community.
- Develop and provide information on good practices for preventing COVID-19 transmission, particularly observing recommendations on social distancing, and for briefing/training the staff to recognize the symptoms of COVID-19 and understand their required response.
- Ask workers to stay away from work in cases where they exhibit any COVID-19 symptoms or have been in close contact with a confirmed COVID-19 patient during the previous 14 days.
- Provide enough water/soap handwashing facilities in all workplaces, and provide disposable tissues and garbage bins.
- Encouraging people should be encouraged to speak up if they encounter non-conforming behavior.
- Adjust workplace designs and work processes to minimize close contact among workers including working in shifts and/or expanding the areas of work.
- Provide suitable and adequate personal protective equipment (PPE) to personnel performing the cleaning activities. The manufacturers' instructions for use of cleaning and disinfection products shall be followed.
- Assess and ascertain the suitability and safety of workers' accommodation. The NBI/PIU could compel the contractor to allocate space for quarantine for staff who exhibit any signs of COVID-19 during working hours and in their residence in case they live in a camp.
- Manage the entrance into the premises (offices and camp sites) to ensure restricted movement and access to water/soap or sanitizer at the entrance for any person coming into the facility or the sub-project area of work.

5.2 Kenya

The Occupational Safety and Health Act (2007)

The Occupational Safety and Health Act is Kenya's codifying law governing workplace safety and health. The law provides for "the safety, health and welfare of workers and all persons lawfully present at workplaces, and establishes the National Council for Occupational Safety and Health". This law is broadly concerned with potential hazards to persons in the workplace. These concerns would likely remain the same, if there's only one individual likely to be affected; and thus, the standards set under the Act are largely focused upon the environmental risks to persons at the workplace.

Part VI (on Health-General Provisions), Part VII (on Machinery Safety), Part VIII (on Safety-General Provisions), Part IX (on Chemical Safety), Part XI (on Health, Safety and Welfare – Special Provisions) and Part XII (on Special Applications) provide for different occupational safety and health scenarios (in detail), with the intent of allowing for the management of the intended and unintended safety and health consequences that may be wrought by potential hazards. These safety and health consequences are more localized to individual workers, by virtue of their presence in the premise, than upon the wider society.

The Act provides that employer-employee occupational safety and health collaborations will be through the Safety and Health Committees, which should be formed at each work place, to empower the worker with the ability to manage the intended and unintended health and social consequences from the work being done.

The Act also provides that there will be a need for the creation of public awareness, which will further empower all persons in the workplace to safeguard their own health through training and workplace publicity-campaign (mainly through signage) to generate social consciousness of potential occupational safety and health hazards.

The Work Injury Benefits Act (WIBA), 2007

The WIBA also addresses workplace safety and health, and has undergone several amendments. It provides for compensation to employees for work-related injuries and diseases contracted in the course of their employment.

The Act provides for the compensation of 'injured' employees as well as their dependants, who are adversely affected by work injuries. Part III of the Act (Right to Compensation) addresses the entitlement and guarantee afforded in respect of compensation. This provision could be expanded to cover infection with COVID-19 contracted while at work.

Health and Safety guidelines with regard to COVID-19 risks

The NBI/PIU could make reference to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- WHO Emergency Response Framework, 2017
- WHO International Health Regulations, 2005
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- EU OSH Framework Directive (Directive 89/391)

Protection against possible risks as provided in Section 6 (2) of the OSH Act, 2007 and in view of COVID-19 related risk will be managed through:

- Informing all persons employed of: (i) any risks from new technologies; (ii) imminent danger; and (iii) appropriate recourse measures.
- Provision and maintenance of procedures of work that are safe and without risks to health; provision of such information, instructions, training and supervision as is necessary to ensure the safety and health at work of every person employed.
- Provision of such information, instructions, training and supervision as is necessary to ensure the safety and health at work of every person employed at COVID-19 facility with a specific focus on those handling people in quarantine and isolation centers, and in health facilities;
- Ensuring that every person employed participates in the application and review of safety and health measures.
- Arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles, substances and materials especially those used for COVID-19 interventions.

Regarding isolation and quarantine for managing COVID-19 cases, the measures provided in the WHO guidance will be applied. Examples of the provisions that shall be streamlined and applied include the following:

- Appoint a dedicated team with responsibilities to identify and implement actions that can mitigate the effects of COVID-19 on the surrounding community.
- Develop and provide information on good practices for preventing COVID-19 transmission, particularly observing recommendations on social distancing, and for briefing/training the staff to recognize the symptoms of COVID-19 and understand their required response.
- Ask workers to stay away from work in cases where they exhibit any COVID-19 symptoms or have been in close contact with a confirmed COVID-19 patient during the previous 14 days.
- Provide enough water/soap handwashing facilities in all workplaces, and provide disposable tissues and garbage bins.
- Encouraging people should be encouraged to speak up if they encounter non-conforming behavior.
- Adjust workplace designs and work processes to minimize close contact among workers including working in shifts and/or expanding the areas of work.
- Provide suitable and adequate personal protective equipment (PPE) to personnel performing the cleaning activities. The manufacturers' instructions for use of cleaning and disinfection products shall be followed.
- Assess and ascertain the suitability and safety of workers' accommodation. The NBI/PIU could compel the contractor to allocate space for quarantine for staff who exhibit any signs of COVID-19 during working hours and in their residence in case they live in a camp.
- Manage the entrance into the premises (offices and camp sites) to ensure restricted movement and access to water/soap or sanitizer at the entrance for any person coming into the facility or the sub-project area of work.

5.3 Rwanda

Occupational Safety and Health Policy 2018

The Policy provides for employers to keep playing an important role of awareness raising on OSH among employees and conducting inspections on OSH. Civil Society Organizations will have the responsibility of creating awareness on OSH among their members and the population at large.

Employers should also take measures to protect employee's Health and Safety against hazards that may result from the production, processing, use, handling, storage or Transportation of articles/substances i.e. anything that employees come into contact with at work; and take steps to ensure that every employee within his/her employment complies with the requirements of this Policy, enforce the necessary control measures in the interest of Health and Safety.

The National Occupational Safety and Health Strategy 2019-2024

The Strategy aims to enhance work place health and safety, compliance with OSH standards, improvement of infrastructure that supports workplace safety and health and entrench work places safety and health culture.

Law Regulating Labour in Rwanda No. 66 of 30/08 (2018)

Article 77 provides that an employer must ensure the health, safety and welfare in the workplace for all employees, and for all persons who frequent the enterprise.

Health and Safety guidelines with regard to COVID-19 risks

In Rwanda, the NBI/PIU could make reference to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- WHO Emergency Response Framework, 2017
- WHO International Health Regulations, 2005
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- EU OSH Framework Directive (Directive 89/391)

The measures provided in the WHO guidance will be applied with respect to isolation and quarantine for managing COVID-19 cases. Examples of the provisions that shall be streamlined and applied with regard to COVID-19 cases include the following:

- Appoint a dedicated team with responsibilities to identify and implement actions that can mitigate the effects of COVID-19 on the surrounding community.

- Develop and provide information on good practices for preventing COVID-19 transmission, particularly observing recommendations on social distancing, and for briefing/training the staff to recognize the symptoms of COVID-19 and understand their required response.
- Ask workers to stay away from work in cases where they exhibit any COVID-19 symptoms or have been in close contact with a confirmed COVID-19 patient during the previous 14 days.
- Provide enough water/soap handwashing facilities in all workplaces, and provide disposable tissues and garbage bins.
- Encouraging people should be encouraged to speak up if they encounter non-conforming behavior.
- Adjust workplace designs and work processes to minimize close contact among workers including working in shifts and/or expanding the areas of work.
- Provide suitable and adequate personal protective equipment (PPE) to personnel performing the cleaning activities. The manufacturers' instructions for use of cleaning and disinfection products shall be followed.
- Assess and ascertain the suitability and safety of workers' accommodation. The NBI/PIU could compel the contractor to allocate space for quarantine for staff who exhibit any signs of COVID-19 during working hours and in their residence in case they live in a camp.
- Manage the entrance into the premises (offices and camp sites) to ensure restricted movement and access to water/soap or sanitizer at the entrance for any person coming into the facility or the sub-project area of work.

Additionally, the Government of Rwanda has established various guidelines regarding in response to COVID-19 Pandemic that must be adhered to in the country including the following:

- The Ministry of Health directs that everyone wear a face mask when in public to help prevent the spread of COVID-19. Other measures recommended by the ministry to the public include keeping one metre physical distance between people at all times, washing hands often and thoroughly or using hand sanitisers, and open windows to keep shared areas well ventilated.

- Employers provide staff with masks, which they are to wear at all times while on duty and in public places. Clients not wearing masks must not be admitted into the premises.
- Before travel to Rwanda, passengers must fill out a Passenger Locator Form. Travelers to Rwanda must present a negative PCR COVID-19 test certificate for a test taken no more than 120 hours before their initial flight. Upon arrival to Rwanda, visitors will be required to quarantine in their hotel room until they receive a negative COVID-19 result, approximately 24 hours after arrival.
- The Government of Rwanda currently enforces a curfew from 9:00 PM to 5:00 AM. Public transport between Kigali and other districts is prohibited. Private transport between Kigali and all other districts will continue. Travelers visiting national parks must test negative for COVID-19 at their own expense.
- The Government of Rwanda may, at any time, impose lockdowns of neighborhoods and cities to contain COVID-19.
- Travelers entering Rwanda must complete 24 hours of quarantine at one of the Government of Rwanda's designated hotels while waiting for the results of their COVID-19 test.
- Covid-19 testing is available upon request by the Rwandan Biomedical Centre. A COVID-19 test costs \$50 USD or 47,200 RWF.
- The Kigali International Airport is open with limited scheduled flights. Land borders remain closed. Public transportation, including motorcycle taxis, is available. Social distancing is required on buses, and masks are required.
- Violations of COVID-19 restrictions may face punishments ranging from fines of up to 50,000 RWF and/or to up to five days in police custody depending on the violation.

5.4 South Sudan

Labour Act (2017)

The Labour Act (2017) has provisions on OHS. On safety health and welfare at the workplace employers hold the responsibility of ensuring safety, health and welfare at workplace for all the employees; provision and maintenance of good order of any plant, system or procedure of work by ensuring that such plant, system and procedure are safe to the employees at the workplace;

taking reasonably practicable measures to ensure safety and the absence of risk to health in connection with the use, handling, storage and transport of any article and substance.

Health and Safety guidelines with regard to COVID-19 risks

Information on COVID-19 legislations and policies is limited in South Sudan. However, some efforts with regard to the Pandemic are available on websites including the following:

- The US Government issued a travel advisory to South Sudan on 6th August 2020 warning her citizens not to travel to South Sudan due to COVID-19, crime, kidnapping and armed conflict.
- Due to COVID-19, the Centers for Disease Control and Prevention (CDC) issued a Level 3 Travel Health Notice for South Sudan.
- Travelers to South Sudan may experience border closures, airport closures, travel prohibitions, stay at home orders, business closures, and other emergency conditions within South Sudan due to COVID-19.
- However, a number of airlines have resumed flights to and from Juba, including Ethiopian Airlines, Kenyan Airways and Fly Dubai. You should check with airlines to confirm frequency and any transit requirements.
- The Government of South Sudan requires a negative COVID-19 test or a “COVID Free Certificate” produced by a healthcare practitioner which is dated within three days of travel in order to enter South Sudan. Travelers must quarantine for 14 days upon arrival.
- COVID-19 testing in South Sudan is severely limited due to a shortage of testing kits. Travelers are likely to be tested only if they exhibit active signs of COVID-19 infection.

However, the NBI/PIU could make reference to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- WHO Emergency Response Framework, 2017
- WHO International Health Regulations, 2005
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- EU OSH Framework Directive (Directive 89/391)

The measures provided in the WHO guidance will be applied with respect to isolation and quarantine for managing COVID-19 cases. Examples of the provisions that shall be streamlined and applied with regard to COVID-19 cases include the following:

- Appoint a dedicated team with responsibilities to identify and implement actions that can mitigate the effects of COVID-19 on the surrounding community.
- Develop and provide information on good practices for preventing COVID-19 transmission, particularly observing recommendations on social distancing, and for briefing/training the staff to recognize the symptoms of COVID-19 and understand their required response.
- Ask workers to stay away from work in cases where they exhibit any COVID-19 symptoms or have been in close contact with a confirmed COVID-19 patient during the previous 14 days.
- Provide enough water/soap handwashing facilities in all workplaces, and provide disposable tissues and garbage bins.
- Encouraging people should be encouraged to speak up if they encounter non-conforming behavior.
- Adjust workplace designs and work processes to minimize close contact among workers including working in shifts and/or expanding the areas of work.
- Provide suitable and adequate personal protective equipment (PPE) to personnel performing the cleaning activities. The manufacturers' instructions for use of cleaning and disinfection products shall be followed.
- Assess and ascertain the suitability and safety of workers' accommodation. The NBI/PIU could compel the contractor to allocate space for quarantine for staff who exhibit any signs of COVID-19 during working hours and in their residence in case they live in a camp.
- Manage the entrance into the premises (offices and camp sites) to ensure restricted movement and access to water/soap or sanitizer at the entrance for any person coming into the facility or the sub-project area of work.

5.5 DR Congo

The Labour Code (2002)

The Labour Code provides for OHS. Under the Code, each employer is required to adopt an occupational risk prevention policy included in the economic and financial policy of the company. The employer shall take all necessary or useful measures which aims to prevent occupational risks. These measures include the establishment, acquisition and installation of equipment or material, workplaces' layout and work organization.

Health and Safety guidelines with regard to COVID-19 risks

The health and safety guideline information is limited in South Sudan. However, the NBI/PIU could make reference to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- WHO Emergency Response Framework, 2017
- WHO International Health Regulations, 2005
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
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- Ask workers to stay away from work in cases where they exhibit any COVID-19 symptoms or have been in close contact with a confirmed COVID-19 patient during the previous 14 days.
- Provide enough water/soap handwashing facilities in all workplaces, and provide disposable tissues and garbage bins.

- Encouraging people should be encouraged to speak up if they encounter non-conforming behavior.
- Adjust workplace designs and work processes to minimize close contact among workers including working in shifts and/or expanding the areas of work.
- Provide suitable and adequate personal protective equipment (PPE) to personnel performing the cleaning activities. The manufacturers' instructions for use of cleaning and disinfection products shall be followed.
- Assess and ascertain the suitability and safety of workers' accommodation. The NBI/PIU could compel the contractor to allocate space for quarantine for staff who exhibit any signs of COVID-19 during working hours and in their residence in case they live in a camp.
- Manage the entrance into the premises (offices and camp sites) to ensure restricted movement and access to water/soap or sanitizer at the entrance for any person coming into the facility or the sub-project area of work.

5.6 Ethiopia

Labour Proclamation No. 1156 (2019)

The Ethiopian Labour Proclamation provides that every employee has the right to enjoy suitable measures of protection and safety & hygiene at work as the employer is required to take all necessary measures to safeguard the health & safety of workers. It is considered unlawful for an employer to require a worker to execute work, which is hazardous to his life. Employers are required to ensure that workers are properly instructed and informed about different hazards present at the workplace as well precautions necessary to avoid accident and injury to health.

Health and Safety guidelines with regard to COVID-19 risks

The Government of Ethiopia COVID-19 Protocol prepared by WHO Ethiopia Country Office (28th June 2020) through amendments to the State Emergency regulations in response to the current situation of COVID-19 in the country. Current updates on the Protocol include the following:

- All deaths at home or in health facilities: funeral & burial arrangements will be held by family at their preferred burial ground (with attendance of not more than 50 people); Precautions in dead body preparation will be the same for all deaths.

- All travelers arriving at Addis Ababa Bole International Airport, who have a certificate of negative PCR SAR-CoV test done up to 72 hours before arrival to Ethiopia, will be required mandatory 14-day self-quarantine at home after giving sample upon arrival.
- All travelers with NO certificate of negative PCR SAR-CoV test results as well as returnees will be quarantined for 7 days in designated sites, tested, and then self-isolate for additional 7 days at home.
- Individuals suspected for COVID-19 or who tested positive with mild or no symptoms; will be asked to self-isolate at home if they have the resources, the support, are willing and fulfill the criteria.
- Individuals who do not meet self-isolation criteria will be isolated in non-clinical facilities.

Besides, the Federal Democratic Republic of Ethiopia (FDRE) Ministry of Labour and Social Affairs has published COVID-19 Workplace Response Protocol (available https://www.ituc-csi.org/IMG/pdf/fdre_molsa_response_protocol_on_covid-19.pdf) that details (i) basic workplace prevention measures, precautions to be taken by employers, safety officers, safety committee, workers at the workplace, and (ii) administrative and legal measures to be taken by the employees and workers.

The NBI/PIU could make reference to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- WHO Emergency Response Framework, 2017
- WHO International Health Regulations, 2005
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- EU OSH Framework Directive (Directive 89/391)

With respect to isolation and quarantine for managing COVID-19 cases, the measures provided in the WHO guidance will be applied. Examples of the provisions that shall be streamlined and applied include the following:

- Appoint a dedicated team with responsibilities to identify and implement actions that can mitigate the effects of COVID-19 on the surrounding community.
- Develop and provide information on good practices for preventing COVID-19 transmission, particularly observing recommendations on social distancing, and for briefing/training the staff to recognize the symptoms of COVID-19 and understand their required response.
- Ask workers to stay away from work in cases where they exhibit any COVID-19 symptoms or have been in close contact with a confirmed COVID-19 patient during the previous 14 days.
- Provide enough water/soap handwashing facilities in all workplaces, and provide disposable tissues and garbage bins.
- Encouraging people should be encouraged to speak up if they encounter non-conforming behavior.
- Adjust workplace designs and work processes to minimize close contact among workers including working in shifts and/or expanding the areas of work.
- Provide suitable and adequate personal protective equipment (PPE) to personnel performing the cleaning activities. The manufacturers' instructions for use of cleaning and disinfection products shall be followed.
- Assess and ascertain the suitability and safety of workers' accommodation. The NBI/PIU could compel the contractor to allocate space for quarantine for staff who exhibit any signs of COVID-19 during working hours and in their residence in case they live in a camp.
- Manage the entrance into the premises (offices and camp sites) to ensure restricted movement and access to water/soap or sanitizer at the entrance for any person coming into the facility or the sub-project area of work.

5.7 Republic of Sudan

OSH regulation is applied to both public and private sectors according to the Labour law (section1 occupational safety) and in conformity with the WB ESS2, which determine duties and responsibilities of all stakeholders and gives the minimum workplace requirement. OSH requirement is founded in:

- Factory regulation.

- Occupational hygiene regulation.
- Workers compensation is regulated by The Work Injuries Compensation Act of 1981, which consist of the following four sections:
 - Preliminary provisions
 - Workplace injuries
 - Workplace injury compensation
 - Various provisions

Although the Labour Code heavily addresses safety and health of employees working in factories, some provisions may be applicable to general work conditions.

Article 94 of the Labour Code of 1997 provides for the employer to take the necessary precautions to protect workers against industrial accidents and occupational diseases.

Article 96 of the Labour Code states that it is the duty of workers to take reasonable steps to protect their own safety and health. The worker shall be obliged to use every means of protection provided to him by the employer; and it shall be forbidden for a worker to intentionally damage or misuse the materials, machinery, tools and belongings to an industry.

Health and Safety guidelines with regard to COVID-19 risks

The Government of Sudan COVID-19 information gives details on travel restrictions, testing and quarantine as follows:

- All passengers must possess a certified negative polymerise chain reaction (PCR) test certificate dated within 96 hours of arrival. Persons 6 years old and younger are exempt.
- Effective Wednesday, September 16, the Higher Committee for Public Health Emergencies lifted the 6:00 p.m. – 6:00 a.m. curfew that had been in place for Khartoum since July 8. The state of health emergency continues and reminded the community of the importance of observing health measures necessary to limit the transmission and spread of the epidemic.
- Currently, interstate and intercity public transportation is fully operational subject to observing the basic COVID-19 rules and regulations.
- For suspected cases among travelers, the Ministry of Health has established isolation centers at the Khartoum and Omdurman Teaching Hospitals, Jebra Trauma Center, and the Universal Hospital in Khartoum North.

- The following hospitals and laboratories offer PCR tests: National Public Health Laboratory, Stak Laboratory, Fedail Hospital, Alya Hospital, Royal Care Hospital, Central Labouratory Red Sea State, Blue Nile National Institute for Communicable Diseases, and Alshaheed Abdelmoez Atay Molecular Biology Lab.
- Effective July 13, 2020, the Government of Sudan partially re-opened Khartoum International Airport to international flights. As of July 13, 2020, Sudan has authorized limited international flights to/from Ethiopia, Egypt, Turkey, and the United Arab Emirates. Effective August 15, 2020, the Sudanese Civil Aviation Authority announced resumption of domestic flights.
- Effective August 15, 2020, the Government of Sudan allowed public transportation to operate between cities and states. Intercity public transportation is fully operational.

The NBI/PIU could make reference to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- WHO Emergency Response Framework, 2017
- WHO International Health Regulations, 2005
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- EU OSH Framework Directive (Directive 89/391)

With respect to isolation and quarantine for managing COVID-19 cases, the measures provided in the WHO guidance will be applied. Examples of the provisions that shall be streamlined and applied include the following:

- Appoint a dedicated team with responsibilities to identify and implement actions that can mitigate the effects of COVID-19 on the surrounding community.
- Develop and provide information on good practices for preventing COVID-19 transmission, particularly observing recommendations on social distancing, and for briefing/training the staff to recognize the symptoms of COVID-19 and understand their required response.

- Ask workers to stay away from work in cases where they exhibit any COVID-19 symptoms or have been in close contact with a confirmed COVID-19 patient during the previous 14 days.
- Provide enough water/soap handwashing facilities in all workplaces, and provide disposable tissues and garbage bins.
- Encouraging people to speak up if they encounter non-conforming behavior.
- Adjust workplace designs and work processes to minimize close contact among workers including working in shifts and/or expanding the areas of work.
- Provide suitable and adequate personal protective equipment (PPE) to personnel performing the cleaning activities. The manufacturers' instructions for use of cleaning and disinfection products shall be followed.
- Assess and ascertain the suitability and safety of workers' accommodation. The NBI/PIU could compel the contractor to allocate space for quarantine for staff who exhibit any signs of COVID-19 during working hours and in their residence in case they live in a camp.
- Manage the entrance into the premises (offices and camp sites) to ensure restricted movement and access to water/soap or sanitizer at the entrance for any person coming into the facility or the sub-project area of work.

5.8 Burundi

The Burundi **Labour Code** and the **Social Security Code** constitute the regulatory framework for safety and health at work in Burundi.

Labour Code

Article 35 of the Labour Code states that the employer has the obligation to ensure that work is accomplished in suitable conditions regarding safety, dignity and health of workers taking into account the regulations in force and the nature of the work which is being performed. Article 146 of the Code provides that the employer is required to comply with the provisions in force regarding the hygiene and safety of workers, organization and operation of medical and health services of the company, and special working conditions for pregnant women and young people.

Social Security Code

Article 48 the Social Security Code defines an occupational accident as an accident that occurs to a worker due to work or in the course of work, whatever the cause. Article 49 states that the accident that took place during travels shall be borne by the employer according to the legislation in force. Article 51 defines occupational diseases and states that any pathology resulting as a necessary consequence of a special risk inherent to the type of profession performed by the worker or from the environment in which he/she has to work, including physical, chemical or biological agents, is considered as occupational disease. Article 148 provides that workers are under the obligation to comply with a strict discipline on hygiene and safety and shall comply with the measures established by the employer or his/her representative.

Health and Safety guidelines with regard to COVID-19 risks

Although information on health and safety guidelines is limited in Burundi, the NBI/PIU could make reference to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- WHO Emergency Response Framework, 2017
- WHO International Health Regulations, 2005
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- EU OSH Framework Directive (Directive 89/391)

The measures provided in the WHO guidance will be applied with respect to isolation and quarantine for managing COVID-19 cases. Examples of the provisions that shall be streamlined and applied with regard to COVID-19 cases include the following:

- Appoint a dedicated team with responsibilities to identify and implement actions that can mitigate the effects of COVID-19 on the surrounding community.
- Develop and provide information on good practices for preventing COVID-19 transmission, particularly observing recommendations on social distancing, and for briefing/training the staff to recognize the symptoms of COVID-19 and understand their required response.

- Ask workers to stay away from work in cases where they exhibit any COVID-19 symptoms or have been in close contact with a confirmed COVID-19 patient during the previous 14 days.
- Provide enough water/soap handwashing facilities in all workplaces, and provide disposable tissues and garbage bins.
- Encouraging people should be encouraged to speak up if they encounter non-conforming behavior.
- Adjust workplace designs and work processes to minimize close contact among workers including working in shifts and/or expanding the areas of work.
- Provide suitable and adequate personal protective equipment (PPE) to personnel performing the cleaning activities. The manufacturers' instructions for use of cleaning and disinfection products shall be followed.
- Assess and ascertain the suitability and safety of workers' accommodation. The NBI/PIU could compel the contractor to allocate space for quarantine for staff who exhibit any signs of COVID-19 during working hours and in their residence in case they live in a camp.
- Manage the entrance into the premises (offices and camp sites) to ensure restricted movement and access to water/soap or sanitizer at the entrance for any person coming into the facility or the sub-project area of work.

6 RESPONSIBLE STAFF

NBI will be responsible for the overall project management and coordination, including compliance with safeguards requirements such those contained herein. NBI will engage consultant(s) with expertise in environmental, social and OHS issues. NBI and other implementing agencies for the project will require that Contractors and consultants contact and work with NBI desk officers and Nile-TAC members in the respective countries to ensure their activities are in conformance with project OHS requirements and also in line with the provisions of ESS2, and ESS4 in relation to community exposure to health issues relating to the project workforce and to security personnel for the project.

. NBI will be responsible for the following tasks:

- a) Undertake the overall implementation of this LMP.

- b) Engage and manage consultants and contractors in accordance with this LMP and the applicable Procurement Documents.
- c) Monitor project contractors and workers to ensure their activities are included in the LMP and the applicable Procurement Documents.
- d) Monitor the potential risks of child labour, forced labour and serious safety issues in relation to primary suppliers.
- e) Provide monthly trainings to mitigate potential health risks, including in relation to HIV/AIDS and other communicable diseases, including COVID-19 on project workers.
- f) Ensure that the GRM for project workers is established and implemented and that project workers are informed about it at the time of their recruitment for employment/engagement in relation to the project.
- g)** Monitoring the implementation of the Code of Conduct (CoC) for **workers**. The CoC will be developed by NBI in consultation with the Bank and the other project implementing agencies. The CoC will be annexed to the PIM.
- h) Monitoring, supervising, and reporting on all project-related occupational, health and safety (OHS) issues, including regarding COVID-19.
- i) Ensuring that all project workers receive training on use of appropriate Personal, Protective Equipment (PPE) and have access at all times while performing their project duties to such PPE.
- j) Report to the World Bank on labour and OHS performance and key risks and complaints.

NBI will have Social and Environmental Safeguards officers who will be responsible for promoting implementation of the LMP and OHS requirements within the project. The project manager and the entire PIU have responsibility for the implementation of these components which are integral to the project. The team will be responsible for the following:

- a) Supervise workers' adherence to the LMP.
- b) Maintain records of recruitment and employment of contracted workers (including sub-contractors).
- c) Provide induction and regular training to contracted workers on environmental, social and OHS issues.

- d) Supervise all workers adherence to COVID-19 rules and regulations including those specific to the respective country of work.
- e) Reporting all COVID-19 and related cases to NBI and respective health personnel according to the rules and regulations laid down in the respective country of work.
- f) Require primary supplier(s) to identify and address risks of child labour, forced labour and serious safety issues and undertake due diligence to ensure this is done.
- g) Develop and implement the Worker Grievance Mechanism for contracted workers, including ensuring that grievances received from the contracted workers are resolved promptly, and report the status of grievances and resolutions regularly to NBI and the World Bank. For Direct workers, the NBI Grievance Policy available in Chapter 12 of the NBI HR Policy will be applicable. Direct workers from the other implementing agencies will use the Grievance redress from their respective organizations (LVBC, NBD). Grievances from government civil servants seconded to the project will be redressed based on the employment and labour relations laws and regulations for their respective countries as detailed in Section 4 of this LMP.
- h) Ensure all contractor and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the CoC.
- i) Ensure the one-pager abbreviated CoC is prepared and displayed in all project supported facilities; and
- j) Report to NBI on labour and OHS performance.

Once NBI has been formed, with members seconded from the implementing agencies and/or ministries of respective Project countries, the Project Management will develop LMP protocols that will assign responsibilities to each of the members in providing the necessary oversight. The LMP protocols are developed before the commencement of Project implementation. NBI and the other implementing agencies for the project will be responsible for ensuring that these LMP protocols conform to all of the requirements of ESS2 and this LMP. The NBI and the other implementing agencies for the project will also be responsible for ensuring that each of these LMP protocols is finalized before project implementation begins.

The Social Safeguards Officer, reporting to NBI, for example, will oversee the implementation of the Worker Grievance Mechanism (see below) and ensure appropriate stakeholder consultation.

The COVID-19 focal point, reporting to NBI or Project Manager, will be responsible for monitoring, supervising, and reporting on health and safety issues relating to the COVID-19, including details of key responsibilities and reporting arrangements between the contractors hired to undertake some of the works such as establishing quarantine and isolation centers. Other functions of the COVID-19 focal point will include: Raising awareness and training of workers in mitigating the spread of COVID-19; Monitoring, supervising, and reporting on health and safety issues relating to COVID-19 (COVID-19 focal point), including details of key responsibilities and reporting arrangements vis-à-vis the project's Supervising Engineer and the main contractor; Coordinating and reporting arrangements between contractors; Making follow-ups on the feedback mechanisms between the contractors and their workers and flagging out any issues for redress; and Reporting the overall progress of the project on a regular basis.

7 POLICIES AND PROCEDURES

Some of the Nile Cooperation for Climate Resilience Project activities which will be under the control of contractors (e.g. installation/refurbishment of hydromet equipment or construction of new hydromet stations) may result into Environmental and Social risks and impacts. These activities will be mitigated directly by the same contractors. In order for potential bidders to be aware of Environmental and Social performance requirements, the Project implementing Agencies (NBI, LVBC and NBD) will incorporate standardized Environmental, Social and Occupational Health and Safety clauses in the tender and contract documents, and the bidders will be required to reflect and implement the clauses for the duration of the project's contract.

Applicable national legislations that will guide employment and labour relations in the Project per respective county are detailed in sections 4 and 5 above.

With this regard, this Project will implement the Labour Policies and Procedures in each respective country by adhering to the following obligations and principles. which will also be inserted as terms and conditions in all project procurement/bidding documents:

- The Nile Cooperation for Climate Resilience Project implementing agencies (NBI, LVBC and NBD) will be accountable to enforce compliance by contractors.
- The NBI LVBC and NBD/PIU will be responsible for ensuring that all contractor(s) make available for inspection all documentation related to Environmental, Social and Occupational Health and Safety management including the LMP, is available for inspection at any time by the Project Implementing agencies (NBI, LVBC and NBD) and the World Bank.
- The NBI, LVBC and NBD/PIU will be responsible for ensuring that recruitment procedures for all project workers, including those employed/engaged by contractors and primary suppliers will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- The NBI, LVBC and NBD/PIU will be responsible for ensuring that 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. Where national law is inconsistent with this paragraph, the project will seek to carry out project activities in a manner that is consistent with the requirements of this paragraph to the extent possible.

- Applications for employment will only be considered if submitted via the official application procedures established or recommended by the NBI/PIU.
- Clear job descriptions will be provided in advance of recruitment and will state the qualifications and skills required for each post.
- The contractual arrangements with each project worker must be clearly defined in accordance with the respective country Employment and Labour Laws and the legal framework stipulated in the Project's ESMF.
- All workers will have written and signed contracts describing terms and conditions of work and will have the contents explained to them in a language they understand. Workers will sign the employment contract and will be given the original signed version. The Employer will maintain a copy of the signed contract on file at all times for inspection.
- Workers will be informed at least two months before their expected release date of the coming termination, or as otherwise stated in their contract letters.
- The NBI, LVBC and NBD/PIU will ensure respect for any collective bargaining agreements related to project workers, whether direct hires or workers hired through contractors or subcontractors.
- The NBI, LVBC and NBD/PIU will ensure that every project worker receives at least the legal minimum wage, as well as social security and other payments/benefits required by the national law, in the respective country where the worker is performing the project work; the amount of salary per month will increase if the national government of the respective country increases the minimum wage.

- All government civil servants working in connection with the project, whether full-time or part-time, will remain subject to the terms and conditions of their existing public sector employment agreements/arrangements.
- All project workers will sign a Code of Conduct related to GBV and other issues.
- All contractors, subcontractors, and primary suppliers will ensure that they have qualified staff who are fluent in English and local languages at the respective project worksites in relation to project activities and in all communications with the project workforce.
- The project will ensure compliance with all national laws, policies and protocols and World Bank guidance concerning management of the workforce in the context of COVID-19⁸.
- The NBI, LVBC and NBD/PIU and all contractors, subcontractors, and primary suppliers shall ensure that wages to project workers are paid not less than twice per month, paid in legal tender, and paid directly to the individual worker. Payment shall not be made in the form of promissory notes, vouchers or coupons. Workers shall be free to dispose of their earnings as they choose.
- The NBI, LVBC and NBD/PIU and all contractors, subcontractors, and primary suppliers shall ensure that payments to project workers are made in a transparent manner, showing clearly the gross wages, any deductions taken and for what purpose, and net wages due. Deductions shall be made only if prescribed by national laws or regulations or fixed by collective agreement or arbitration award.
- The NBI, LVBC and NBD/PIU will ensure that the project will not engage/employ forced labour, labour procured through trafficking in persons, or prison labour for any purpose in relation to the project, including any work involving direct hires, workers engaged through contractors/subcontractors, and workers engaged through primary suppliers.
- To ensure absence of child labour and considering the hazardous nature of work required for a number of the project's activities, the project will not employ or engage in connection with the project any person under the age of 18 years. The NBI, LVBC and NBD/PIU will ensure that this requirement is strictly applied to all workers which hired directly in

⁸ "ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects," April 7, 2020

relation to the project and regarding all workers engaged by contractors/subcontractors and primary suppliers for the project.

- To ensure appropriate occupational health and safety measures are undertaken, the NBI, LVBC and NBD/PIU will ensure that contractor/subcontractor procurement documents:
 - adequately address OHS risks through inclusion of clearly specified remedies for non-compliance with OHS requirements;
 - specify that contractors/subcontractors must employ/engage qualified environmental, social and health safety staff in relation to the project;
 - specify that contractors/subcontractors must provide for all workers under their control/employment regular workplace OHS awareness and training; and
 - specify that contractors/subcontractors must undertake regular monthly OHS monitoring and reporting to NBI/LVBC/NBD PIU in relation to the project.

8 AGE OF EMPLOYMENT

As stipulated in the International Labour Organization Conventions (138) on minimum age, the minimum age of employment is 18 years. This provision is consistent with the Employment and Labour Laws of most Nile Basin countries. However, in South Sudan, the minimum age of work is 14 years, Ethiopia (15 years) and Rwanda (16 years). The implementing agencies' standard for minimum age of employment/ work is 18 years, and it will be among the terms of contracts regarding child labour. The Project will therefore target participation of both men and women who are at least the minimum age of 18 at the time of recruitment. During the Project implementation various tools will be used to verify age of workers with respect to the respective country laws. Such tools include among others Birth certificates, National Identity Cards or travel Passports, which will be filled in each employee's records. In the circumstances where these documents are not available the Affidavit of Birth will be used. The consequence of breaching implementing agencies' standard on child labour may result into termination of the contract.

If a minor under the minimum labour eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a

responsible manner, taking into account the best interest of the minor. In this case, the following procedures will be applied:

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

9 TERMS AND CONDITIONS

There are five types of workers who will be engaged in this project (i) Direct workers from NBI and staff at NBI and implementing agencies (LVBC and NBD) who have contracts that are governed by the various national legislations, regional and institutional labour Policies; (ii) contracted workers; (iii) Short-term consultants; (iv) migrant workers; and (v) Government civil servants. All workers in the project shall be engaged through negotiated contracts with generally

accepted standards and terms and conditions of services applicable to the nature of project activities. Payment for work done will be made on determined mode, periodically (hourly, daily, weekly, monthly) or after completing the assigned work. The general employment terms and conditions under this project will be further elaborated in the Project Implementation Manual (PIM). See “Policies and Procedures” section of this LMP for other terms and conditions that will be applied and implemented in relation to this project.

10 WORKER GRIEVANCE MECHANISM

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

Although complaints occur in workplaces they are not always reported for fear of victimization. Hence, a separate worker grievance mechanism (WGM) will be established for project workers (direct workers and contracted workers), as stipulated in the ESS2 chap.21, Footnote 17 and GN21.1. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers. The WGM will also allow for anonymous complaints to be raised and addressed. Individuals who submit their complaints or grievances to the WGM may request that their name be kept confidential and this should be respected. The WGM, however, does not replace or override the requirement that the NBI/PIU and the other implementing agencies for the project provide for workplace processes for project workers to report work situations that they believe are not safe or healthy, such as reporting requirements regarding workplace injuries and accidents as stipulated in GN21.2. For the Government civil servants seconded to the project, their respective country based employment and labour laws and regulations that provide for reporting, management and redress of worker grievances will be applicable. Some of the employment and labour laws, regulations and policies are captured in Section 4 of this LMP for all the nine Project countries.

i. Direct and contracted workers

The project will have an effective WGM for direct and contracted workers in line with the provisions of ESS2. Each unit engaging direct workers (NBI/PIU, LVBC, NBD, field staff, and the consultants) and contracted workers will hold periodic team meetings to discuss any workplace concerns. The grievances raised by workers will be recorded with the actions taken by each unit. The summary of grievance cases will be reported to the World Bank as part of the regular report.

Where the aggrieved workers wish to escalate their issues or raise their concerns anonymously and/or to a person other than their immediate supervisor, the workers may raise the issues with the NBI/PIU or follow the legal or judicial process within the respective country where the specific work is being undertaken. The NBI/PIU will establish a focal point person/committee of persons to address anonymous complaints and the requests of workers who believe they have not received effective redress through the project worker grievance mechanism and seek to escalate their complaints. Where consultants/contractors have an existing grievance system, such mechanism should be used by their direct workers. The direct and contracted workers will be informed of the grievance mechanism on recruitment while the grievance mechanism will be made easily accessible through various communication channels such as comment/complaint form, suggestion boxes, email, a telephone hotline; and a confidential procedure for workers to submit anonymous grievances in writing or otherwise.

The WGMs to be used by the NBI/PIU and the other implementing agencies for the project and the project contractors and sub-contractors will include:

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

The WGM will not preclude any project worker's ability to access any other judicial or administrative remedies that might be available under national law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective

agreements. The Project worker shall also be able to access the World Bank's Grievance Redress Service and/or the Inspection Panel.

ii. Project GRM

In addition to the separate worker grievance mechanism established in line with ESS2, the project will also have a general Project Grievance Redress Mechanism (GRM). Under the GRM, the project will have several channels for reporting complaints and grievances. These shall include email, phone calls, text messages, blogs, toll free number and letter writing that will also be accessible to all workers. Information on the project GRM will be made available to workers at all facilities, government offices (both national and county) and community level (preferably at the chief's or local administration's office, for instance) to ensure that all workers, including the unskilled labourers engaged at the community level, if any, have adequate information on how to lodge a complaint and who to direct it to.

Anonymity will be assured when handling workers' grievances. Existing grievance mechanism methods such as 'suggestion boxes' which exist in many worksites especially in government office establishments and appear to be a preferred form of reporting complaints may be used. However, the experience has been that these boxes are hardly opened. If these will be preferred by the NBI/PIU to be used as part of the GRM, a structure shall be put in place to guide their opening, reviewing, responding to concerns and providing feedback on the issues raised.

iii. World Bank Grievance Redress System

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), communities and individuals will be advised to visit, <https://www.worldbank.org/en/projects-operations/products-and->

[services/grievance-redress-service](#) while those who wish to submit complaints to World Bank Inspection Panel will be advised to visit, www.inspectionpanel.org.

iv. Actions for managing complaints

- Complaints should be sent to the GRM focal point (as will be advised by the NBI/PIU) at the workplace in each respective country by email, text, phone, letter or in person. The complaints will be logged into the complaints register. The phone number and email address and will be made available to the workers at signing the contract or at recruitment.
- The NBI/PIU in consultation with the other Project implementing agencies (LVBC, NBD) shall establish Complaints Redress Committee (CRC) that will review complaints weekly upon receipt. The CRC will review the complaints and provide guidance on the course of action and ensure follow-up on previous complaints. Any preliminary investigation should take place within 5 working days of the committee meeting. Feedback will be given to the complainant within 10 working days.
- The CRC shall deliberate upon informal complaints which will be raised through social media, print media or not formally lodged, to decide whether to investigate based on the substance and potential impact or reputational risk.
- In case the complaint is referred to the main Project GRM and the respective government's legal complaints structures such as ethics and anti-corruption, government administrative or judicial agencies, the World Bank shall be notified.
- With regards to SEA, such complaints shall be kept confidential, the name of the complainant should not be recorded, only the age and gender of the complainant, and whether a project worker was involved and should be sent directly to the NBI/PIU or the respective Project contractor who should immediately inform the World Bank.
- As a general practice, no disciplinary or legal action will be taken against anyone raising a complaint in good faith.
- On reporting, a monthly report of complaints resolution shall be provided to the NBI/PIU and the World Bank.

11 CONTRACTOR MANAGEMENT

Each contractor engaged by the Project to provide services (such as installation of hydromet water quality monitoring equipment and development of strategic tools and analyses, capacity

building etc.) will be expected to adopt the protective measures outlined in this document. The contracts drawn by the NBI/PIU will include provisions, measures and procedures to be put in place by the contractors to manage and monitor the relevant OHS, child labour, forced labour, and other employment terms and conditions issues. Measures required of Contractors will among others include the following:

- As part of the bidding/tendering process, specific requirements for certain types of contractors, and specific selection criteria (e.g. technical suitability, certifications, previous experience etc.).
- Provision of medical insurance covering treatment for COVID-19, sick pay for workers who either contract the virus or are required to self-isolate/quarantine due to close contact with infected workers and payment in the event of death.
- Specific procedures relating to the workplace and the conduct of the work (e.g. creating at least 6 feet between workers by staging/staggering work, limiting the number of workers present etc.).
- Specific procedures and measures dealing with specific risks. For example, for healthcare contractors.
- Appointing a COVID-19 focal point with responsibility for monitoring and reporting on COVID-19 issues, and liaising with other relevant parties.
- Including contractual provisions and procedures for managing and monitoring the performance of contractors, in light of changes in circumstances prompted by COVID-19.

For contract bidding and contracts for the Project, the NBI/PIU and the other implementing agencies will use the World Bank's 2017 standard procurement documents, which include labour, and occupational health and safety requirements.

The NBI/PIU and the other implementing agencies will incorporate standard language, based on project requirements drawn from ESS2, ESS4 and other sections of the World Bank Environmental and Social Framework and supporting documentation, in the tender and contract documents to ensure potential bidders are aware of the environmental and social requirements to be met under the project.

Tender documentation should note that the contractor/subcontractor shall actively collaborate and consult with project workers in promoting understanding, and methods for, implementation of OHS requirements, as well as providing information and training on occupational safety and health, and provision of personal protective equipment without expense to project workers. Project workers who remove themselves from dangerous work situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removing themselves from such dangerous situations.

The NBI/PIU and the other implementing agencies will also state in the tender documentation that adherence to national legislation regarding labour and employment relations and occupational health and safety is a prerequisite for participation in the project.

The NBI/PIU and the other implementing agencies will also include in the tender documents provisions that forced labour, child labour, discrimination in hiring and employment based on gender, disability, ethnicity or other personal characteristics unrelated to work requirements, sexual harassment in the workplace, and sexual exploitation and abuse are prohibited and may be grounds for removal of the contractor from the Project.

The NBI/PIU and the other implementing agencies will require bidders for contracts for the Project to agree to and implement a workplace Code of Conduct that includes provisions prohibiting any form of sexual exploitation, assault or harassment of Project workers, as well as sexual exploitation or sexual assault of persons in local communities affected by the project, and any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage. The CoC will apply to all persons employed or engaged, including persons employed or engaged through contractors and subcontractors, in relation to the project.

The NBI/PIU and the other implementing agencies will require bidders for contracts for the project to submit a statement confirming their firm compliance with national labour and employment and occupational health and safety laws, and labour management procedures in

accordance with Environmental and Social Standard 2 “Labour and Working Conditions” (ESS2) and the LMP for the project.

The NBI/PIU and the other implementing agencies will make reasonable efforts to ensure that parties awarded contracts for the project are reliable law-abiding entities that do not have a history of problems relating to disrespect for national labour law, unresolved labour disputes, or frequent work-related accidents.

As part of the selection process for contractors, the NBI/PIU and the other implementing agencies will request and review from prospective contractors the following information:

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

During the implementation of the contract, the NBI/PIU and the other implementing agencies will require that contractors submit quarterly reports on compliance with the LMP. The report should include the number and status of project workers, the number of hired and terminated employees in the given period, the number of hours worked, overtime, regularity of payment,

OHS issues (injuries and fatalities, if any), safety measures, grievances raised and resolved, training provided/attended, incidents of non-compliance with national law or the LMP.

The contractors will be required to identify focal points (e.g. use of NBI focal points available in all the NBI Project countries) and communication channels (e.g. WhatsApp, SMS and email) within the company to address workers' concerns on an ongoing basis. The contractors should ensure that such channels are adequately resourced (e.g. 24-hour staffing of the emergency response call line). The contractors should ensure that the workers shall not be victimized in any way for reporting a grievance or the workplace concerns.

12 PRIMARY SUPPLY WORKERS

The NBI will identify potential risks of child labour, forced labour, and serious safety issues which may arise in relation to primary suppliers as part of the environmental and social assessment in accordance with ESS2 para.39. Based on the scope of the Project (covering the 9 NB countries), there is potential for child labour, forced labour and safety risks related to the hazardous nature of the equipment to be procured. The NBI/PIU will conduct a mapping exercise to identify possible suppliers and the extent to which they may present the potential risks in accordance with ESS2 GN39.1. In case it will be impossible to identify specific primary suppliers, the NBI/PIU will review the general industry labour issues and risks relating to the supply of such specialized equipment for hydromet stations and water quality monitoring and other materials. Based on the provisions of ESS2 GN39.2 the NBI/PIU will periodically update the assessment of potential risks that may arise in relation to primary suppliers of the project during project implementation.

The NBI/PIU will also track the suppliers' performance to obtain information on whether the procedures and mitigation measures are being appropriately implemented and provide feedback on performance and any new areas of risk. The NBI/PIU will ensure that specific requirements on child labour, forced labour, and work safety issues will be included in all purchasing orders and contracts with suppliers where appropriate and in accordance with ESS2 GN39.3. The NBI will ensure that the primary supplier will identify the risks associated with child labour or forced labour in consistence with the provisions of ESS2 para.17-20, and if such cases are authenticated the NBI will take appropriate steps to remedy them in accordance with the ESS para. 40. The NBI will also ensure that all the primary suppliers introduce procedures and mitigation measures, that will be reviewed periodically to ascertain their effectiveness, to address safety issues related to the supply of goods and materials in accordance with ESS para.41. In case remedy to the potential risks emanating from the primary suppliers will not be possible within a reasonable period of time, the NBI will consider engaging alternative primary suppliers who shall demonstrate that they are in a position to meet the relevant requirements of the ESS2 to supply goods and materials for the Project.

13 COMMUNITY WORKERS

The project will not engage community workers in relation to the purchase and installation of specialized water quality monitoring equipment, which is the the World Bank-funded component of the Project. Community workers not be used by NBI in due to the specialized labor needs required for the above tasks relating to the purchase and installation of that specialized equipment. However, the rehabilitation and construction component of the project that GIZ will fund, will require labour for semi-skilled or un-skilled personnel to foster community buy-in and contribution to the project.

Community Workers are full-time, part-time, temporary, and seasonal workers, resident in the Nine Riparian countries who will receive a wage subsidy implemented by the NCCRP project financed by World Bank and GIZ. The Project workers from the community will be engaged by Project contractors and sub-contractors who are formally registered in their respective countries of operation. Community workers will be engaged to supply casual labour in form of slashing, clearing bushes, excavation and carrying material among others. Contractor field workers will use their networks such as Local and community leaders and local NGOs to identify potential community workers. After profiling procedure potential community workers will attend soft and technical skills trainings. Profiling procedure will include age verification supported by the legal documents such as National Identification, and any history of crime. This will prevent any potential child labor risks among community workers and employing personnel with questionable reputation. The work needed this project mainly consists of part time work, therefore, community workers will be employed on a time based contract where their hours of work will be compensated for.

All community workers' rights will be protected by the National Labour and Employment laws for the respective countries supported by the worker contract bearing all the terms of service for the duration of the task (see Annex2).

Regardless of the size, and nature of the employer, the following terms and conditions will apply to community workers:

- The community workers will be provided written contracts including information about terms and conditions of their employment in accessible in the official language the respective countries. A community worker shall keep one copy of the signed contract.
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulties with understanding the documentation through an interpreter.
- Community workers will receive a minimum wage for the duration of the assignment.

- The contractor should also pay for workers' compensation and health insurance for the duration of the employment
- Regular working hours will be 8 hours a day. Overtime work will be subject additional overtime compensation and will be within the limit stipulated in the Employment Act for each respective country.
- Community workers will work five to 6 days per week depending on the nature of work.
- Community workers will receive at least 24 consecutive hours of rest within 7 days of work period if applicable in the NCCRP construction and rehabilitation of hydromet project activities.
- National occupational health and safety and labor law will apply to community workers, and will so stipulated in the contract. In instances where there are gaps in national law, the provisions of this labor management procedure and ESS2 will apply.
- The minimum working age will be 18 years.
- Engagement of community 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, such as recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment.

- Recruitment procedures will be transparent, public and non-discriminatory with respect to ethnicity, race, religion, sex, disability, political beliefs, and other grounds included in the Labor Code.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each task.

Community workers will have the access to the workers' grievance mechanism which will be adapted for all project workers, as mentioned in Section 10 (Workers Grievance Mechanisms). They can access grievance mechanism via phone, e-mail and project office. Also, they can submit their grievances verbally to field workers and PIU, grievance focal officer. NBI Team and field specialists will be responsible to follow the activities of community workers and they will be also responsible to monitor community workers and track the working hours spent.

ANNEXES

Annex 1: Status of Ratification of International Labour Organization (ILO)

Conventions

Conventions	Countries								
	Kenya	Uganda	Tanzania	Rwanda	Burundi	Ethiopia	DRC	The Sudan	South Sudan
ILO Convention 87 on Freedom of Association and Protection of the Right to Organize	Not Ratified	Date of Ratification: 02 Jun 2005 Status: In Force	Date of Ratification: 18 Apr 2000 Status: In Force	Date of Ratification: 08 Nov 1988 Status: In Force	Date of Ratification: 25 Jun 1993 Status: In Force	Date of Ratification: 04 Jun 1963 Status: In Force	Date of Ratification: 20 Jun 2001 Status: In Force	Not Ratified	Not Ratified
ILO Convention 98 on the Right to Organize and Collective Bargaining	Date of Ratification: 13 Jan 1964 Status: In Force	Date of Ratification: 04 Jun 1963 Status: In Force	Date of Ratification: 30 Jan 1962 Status: In Force	Date of Ratification: 08 Nov 1988 Status: In Force	Date of Ratification: 10 Oct 1997 Status: In Force	Date of Ratification: 04 Jun 1963 Status: In Force	Date of Ratification: 16 Jun 1969 Status: In Force	Date of Ratification: 18 Jun 1957 Status: In Force	Date of Ratification: 29 Apr 2012 Status: In Force
ILO Convention 29 on Forced Labour	Date of Ratification: 13 Jan 1964 Status: In Force	Date of Ratification: 04 Jun 1963 Status: In Force	Date of Ratification: 30 Jan 1962 Status: In Force	Date of Ratification: 23 May 2001 Status: In Force	Date of Ratification: 11 Mar 1963 Status: In Force	Date of Ratification: 02 Sep 2003 Status: In Force	Date of Ratification: 20 Sep 1960 Status: In Force	Date of Ratification: 18 Jun 1957 Status: In Force	Date of Ratification: 29 Apr 2012 Status: In Force
ILO Convention 105 on the Abolition of Forced Labour	Date of Ratification: 13 Jan 1964 Status: In Force	Date of Ratification: 04 Jun 1963 Status: In Force	Date of Ratification: 30 Jan 1962 Status: In Force	Date of Ratification: 18 Sep 1962 Status: In Force	Date of Ratification: 11 Mar 1963 Status: In Force	Date of Ratification: 24 Mar 1999 Status: In Force	Date of Ratification: 20 Jun 2001 Status: In Force	Date of Ratification: 22 Oct 1970 Status: In Force	Date of Ratification: 29 Apr 2012 Status: In Force
ILO Convention 138 on Minimum Age (of Employment)	Date of Ratification: 09 Apr 1979 Min Age: 16 years Status: In Force	Date of Ratification: 25 Mar 2003 Min Age: 14 years Status: In Force	Date of Ratification: 16 Dec 1998 Min Age: 14 years Status: In Force	Date of Ratification: 15 Apr 1981 Min Age: 14 years Status: In Force	Date of Ratification: 19 Jul 2000 Min Age: 16 years Status: In Force	Date of Ratification: 27 May 1999 Min Age: 14 years Status: In Force	Date of Ratification: 20 Jun 2001 Min Age: 14 years Status: In Force	Date of Ratification: 07 Mar 2003 Min Age: 14 years Status: In Force	Date of Ratification: 29 Apr 2012 Min Age: 14 years Status: In Force
ILO Convention 182 on the Worst Forms of Child Labour	Date of Ratification: 07 May 2001 Status: In Force	Date of Ratification: 21 Jun 2001 Status: In Force	Date of Ratification: 12 Sep 2001 Status: In Force	Date of Ratification: 23 May 2000 Status: In Force	Date of Ratification: 11 Jun 2002 Status: In Force	Date of Ratification: 02 Sep 2003 Status: In Force	Date of Ratification: 20 Jun 2001 Status: In Force	Date of Ratification: 07 Mar 2003 Status: In Force	Date of Ratification: 29 Apr 2012 Status: In Force

ILO Convention 100 on Equal Remuneration	Date of Ratification: 07 May 2001 Status: In Force	Date of Ratification: 02 Jun 2005 Status: In Force	Date of Ratification: 26 Feb 2002 Status: In Force	Date of Ratification: 02 Dec 1980 Status: In Force	Date of Ratification: 25 Jun 1993 Status: In Force	Date of Ratification: 24 Mar 1999 Status: In Force	Date of Ratification: 16 Jun 1969 Status: In Force	Date of Ratification: 22 Oct 1970 Status: In Force	Date of Ratification: 29 Apr 2012 Status: In Force
ILO Convention 111 on Discrimination (Employment and Occupation)	Date of Ratification: 07 May 2001 Status: In Force	Date of Ratification: 02 Jun 2005 Status: In Force	Date of Ratification: 26 Feb 2002 Status: In Force	Date of Ratification: 02 Feb 1981 Status: In Force	Date of Ratification: 25 Jun 1993 Status: In Force	Date of Ratification: 11 Jun 1966 Status: In Force	Date of Ratification: 20 Jun 2001 Status: In Force	Date of Ratification: 22 Oct 1970 Status: In Force	Date of Ratification: 29 Apr 2012 Status: In Force

ANNEX 2: Guideline on Code of Conduct

1. A satisfactory code of conduct will contain obligations on all project workers (including sub-contractors) that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the municipality, the location and the project sector or to specific project requirements.
2. The Code of Conduct will be written in plain language and signed by each worker to indicate that they have:
 - received a copy of the code;
 - had the code explained to them;
 - acknowledged that adherence to this Code of Conduct is a condition of employment; and
 - understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.
3. The Contractor will conduct awareness raising and training activities to ensure that workers abide by the Code of Conduct (such as through toolbox talks). The Contractor will also ensure that local Project-affected local communities are aware of the Code of Conduct and enable them to report any concerns or non-compliance.
4. The issues to be addressed include:
 - 1) Compliance with applicable **laws, rules, and regulations** of the jurisdiction
 - 2) Compliance with applicable **health and safety requirements** (including wearing prescribed personal protective equipment (PPE), preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment)
 - 3) The use of **illegal substances**
 - 4) **Non-Discrimination** (for example on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction)
 - 5) **Interactions with community members** (for example to convey an attitude of respect and non-discrimination)
 - 6) **Sexual harassment** (for example to prohibit use of language or behavior, in particular towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
 - 7) **Violence or exploitation** (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior)
 - 8) **Protection of children** (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas)

- 9) **Sanitation** requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas)
- 10) Avoidance of **conflicts of interest** (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection)
- 11) **Respecting reasonable work instructions** (including regarding environmental and social norms)
- 12) **Protection and proper use of property** (for example, to prohibit theft, carelessness or waste)
- 13) Duty to **report violations of this Code**
- 14) **No retaliation against workers** who report violations of the Code, if that report is made in good faith.
- 15) **Disturbing wildlife or bushmeat hunting**_workers prohibited under any circumstances from engaging in any disturbance of wildlife or bushmeat hunting during the entire duration of their employment/engagement for the Project .

ANNEX 3: Sample Contract

The NCCR Project Work Contract for Rehabilitation and Construction of hydromets has been concluded between the Employer and the Employee whose names and addresses are written with their own free will and with the conditions stated below.

EMPLOYER'S Name Surname:

ID Number:

Address:

WORKER'S

Name Surname:

ID Number:

Address:

A. EMPLOYER OBLIGATIONS

The management of the work and the workers is the responsibility of the Employer. The Employer and his/her representative shall apply the contract in all its provisions. The Employer evaluates and responds to complaints of workers regarding the implementation of the contract or other issues; corrects if the application has errors.

1- WAGE

Wage to be given to the worker by the Employer (based on Turkey Minimum Wage);

a) Daily / weekly / monthly TL

b) Piece work basis TL

c) Other..... TL

2- DAILY WORKING AND REST PERIODS

In accordance with the time based working conditions, the working hours, weekly start and end times and legal break periods are determined by the Employer by taking into account. the local working hours, local customs and traditions, provided that the working hours remain constant for 40 hours per week, and maximum 10 hours per day including overtime. These are announced to the workers by the Employer and timesheets are provided. Exceeding the 40-hour weekly working time determined by this agreement is overtime. Overtime periods are paid by increasing the amount of the daily wage per hour by 50%.

3- OTHERS The Employer;

- shall / shall not pay the workers in advance.
- shall / shall not pay the workers for the days not working due to climatic conditions, disasters and similar reasons.
- shall take the measures of occupational health and safety of workers and all kinds of measures against occupational accidents and diseases.
- shall keep a record of the employee's payroll and the salary paid to the employee.
- shall employ each worker formally and render social security premium payments
- shall keep a record of timesheets for working days of the employee

- shall comply with this contract and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and wellbeing of all employees any other person
- shall maintain a safe working environment
- shall not employ persons below the age of 18 years
- shall treat all workers equally and fairly. Men and women will receive equal wages for equal work.

B. OBLIGATIONS OF WORKERS:

- The person shall work as a casual worker with experience and professional knowledge in accordance with the mission and vision determined by the Employer.
- The worker accepted this.
- The working places to be indicated by the employer or his representative are the working place in accordance with the employer's decision within the boundaries of the hydromet station.
- Workers will start working on.... / /
- Workers shall show due diligence and participate in OHS trainings in order to prevent damage to land, crops, agricultural vehicles and equipment.
- Workers shall not quit the job and work in another workplace without valid excuse as long as the subject of this contract continues by the employer.
- Workers shall comply with this contract 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
- The provisions of the Labour Law shall apply to other matters not included in the contract (working hours, leaves etc.)

This contract is arranged in three / four copies and if one of the parties does not fulfil one of its obligations the courts / enforcement offices are authorized.

EMPLOYER’S:

Name Surname:

Date:

Signature:

WORKER’S:

Name Surname:

Date:

Signature.....