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SAFER ROADS FOR SOCIO-ECONOMIC INTEGRATION IN MOZAMBIQUE (SRSEI) -
MULTIPHASE PROGRAMMATIC APPROACH (MPA)

(Project No. P174639)

LABOR MANAGEMENT PROCEDURES (LMP)

Final Report

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Labor Management Procedures

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LIST OF ABBREVIATIONS AND ACRONYMS

ANE, IP	Administração Nacional de Estradas, IP (National Roads Administration)
CERC	Contingency Emergency Response Component
CoC	Code of Conduct
CRPT	Climate Resilience Planning Tool for Roads
DPTA	Direcção Provincial da Terra e Ambiente (Provincial Directorate of Land and Environment)
ESA	Environmental and Social Assessment
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESRS	Environment and Social Review Summary
ESS	Environmental and Social Standards
FY	Financial Year
GBV	Gender Based Violence
GFP	Grievance Focal Point
GRM	Grievance Redress Mechanism
GoM	Government of Mozambique
GRS	Grievance Redress Service
HR	Human Resource
IDA	International Development Association
IFRDP	Integrated Feeder Roads Development Project
ILO	International Labor Organization
IRM	Immediate Response Mechanism
LMP	Labor Management Procedure
MISAU	Ministry of Health
M&E	Monitoring and Evaluation
MPA	Multi-Phase Approach
MTESS	Ministry of Labor, Employment and Social Security
MOPHRH	Ministry of Public Works, Housing and Water Resources
MTC	Ministry of Transport and Communications
OHS	Occupational Health and Safety
PIU	Project Implementation Unit
POM	Project Operation Manual
RPF	Resettlement Policy Framework
SDG	Sustainable Development Goal
SDPI	Serviços Distritais de Planeamento e Infra-estruturas

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SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
SRSEI	Safer Roads for Socioeconomic Integration
USA	United States of America
WB	World Bank

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EXECUTIVE SUMMARY

The Labor Management Procedures (LMP) for the Safer Roads for Socioeconomic Integration (SRSEI) in Mozambique - Multiphase Programmatic Approach (MPA) has been prepared to meet the objectives and requirements of ESS 2 Labor and Working Conditions, Guidance Note to ESS2 (GN) as well as the national Labor Law.

The purpose of the LMP is to facilitate planning and implementation of the project. The LMP identifies the main labor requirements and risks associated with the project and assists the Borrower to determine the resources necessary to address project labor issues. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project.

This LMP provides guidelines for managing project workers, promote appropriate working conditions, including procedures for hiring people, defining responsibilities and ensuring compliance with the provisions on the ESS 2 and national labor legislation. This LMP covers Components 1 to 5 of the SRSEI Project to be implemented by the Government of Mozambique and addresses them through mitigation measures in accordance with ESS2 and Mozambican Labor laws and policies.

Various types of workers (Direct, Contracted, and Primary Supply workers), and their characteristics have been described in section 2.1. Key potential environmental and social risks - such as poor labor practices, Occupational Health and Safety (OHS), community health and safety risks, waste generation and management, risk of Gender Based Violence, including Sexual Exploitation and Abuse, and Sexual Harassment (GBV/SEA/SH), Violence Against Children (VAC) and forced labor have been identified in Section 3.

The ESS 2 and Mozambican labor laws have been summarized in Section 4 to describe their requirements and legal obligations including Conditions of Employment, OHS management and issues related to child / forced labor.

A Grievance Redress Mechanism (GRM) for labor has been developed in Section 9 so that any potential dissatisfaction or concerns can be raised by anyone employed by the project (including service providers and contractors).

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A Due Diligence procedure for Social and Environmental Mitigation Measures in Contracts has also been appended so that selection, retention, monitoring and guiding of the proponent, service providers, implementing agencies and other third parties (Contractors, Sub-Contractors, Consultants and intermediaries) is in compliance with the ESS2 requirements and in accordance with national legislation.

The LMP is a living document, which is initiated early in Project preparation, and is reviewed and updated throughout development and implementation of the SRSEI project and will provide guidance on the working conditions and management of all project workers. Contractors and third parties must comply with the provisions in this LMP specifically, the ESS2 and national labor legislation. The LMP will form a part of the General Specification of Contract of the bidding documents. The preparation and implementation of site-specific Labor Management Plans by the Contractors will be included as a requirement in the procurement documents.

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1. INTRODUCTION

1. The North-South N1 corridor is the most important transport corridor for Mozambique to unlock development potential in Central and Northern Mozambique, which is the country's most fragile and critical region. The resilient and safe upgrading of N1 has been identified as the most important infrastructure need by the Government of Mozambique (GoM).
2. Historically, most of the investments have been directed towards multiple East-West corridors that focused on moving extracted minerals from land locked countries to the Indian Ocean ports in Mozambique. The investment in the most critical North-South connection in comparison has been lacking. Currently more than half of the N1 corridor is in poor state, requiring maintenance or rehabilitation.
3. Mozambique has recently been classified as a Fragility, Conflict and Violence (FCV) country under Medium-Intensity Conflict due to the security situation in several regions of the country. A new peace accord was reached in August 2019 and has been violated several times by a Renamo breakaway military faction known as Military “Junta” operating between the central provinces of Manica and Sofala. Meanwhile, there is another so-called Islamic insurgency in parts of the gas-rich province of Cabo-Delgado. The indiscriminate killing of civilians perpetrated by the insurgents has now spread to other districts and towns in the province, including Mocímboa da Praia, Palma, Macomia, Quissanga, Ibo, Meluco and Nangade. Recently (April 2021) the rebels reportedly attacked and occupied Palma - close to large natural gas projects in northern Mozambique.

Since October 2017 when first insurgent attacks started, there has been an escalation of conflict and violence. Recent estimates show that the conflict has killed more than 1,000 people and led to some 700,000 people in need of humanitarian assistance. The risk that violence can spread to other areas in the north of the country cannot be underestimated. Many residents of the affected areas in Cabo Delgado have sought refuge in the nearby province of Nampula.

The deployment of Government Armed Forces to protect Cabo Delgado civilians and their properties and goods and to respond to the attacks that have been perpetrated by insurgent armed groups, has brought increase scrutiny from national and international organizations of human rights which have expressed concerns over the violation of human rights, use of excessive and unjustified force, by the Defense and Security Forces.

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To assess such risks, the MPA will prepare a Security Risk Assessment and Management Plan that will provide measures to ensure that risk mitigation measures are in place for workers and local communities.

4. With support from the World Bank (WB), GoM has developed a long - term program of socio-economic integration through resilient and safe upgrading of 1053 km of seven priority sections of N1 corridor. The Bank has agreed to prepare a US\$850 million Multi-Phase Approach (MPA) operation over 3 IDA cycles, with a first phase of \$480.00 million to be delivered in FY22 (including US\$ 400.00 million IDA grant (80%) + US\$ 80.00 million counterpart financing (20%). It is noted this amount is for all the 5 components under Phase I.
5. The Project has been prepared under the World Bank’s Environment and Social Framework (ESF). Under the ESF, all World Bank Borrowers must comply with the ten Environmental and Social Standards (ESSs) applied to investment project lending financed by the Bank. This project recognizes the significance of, and adopts the ESSs, for identifying and assessing as well as managing the environmental and social risks and impacts associated with this investment project. ESS2, together with the Guidance Note on ESS2, relate to Labor and Working Conditions and expect the Borrowers to develop Labor Management Procedures (LMP). The LMP enables identifying of the main labor requirements and risks associated with it and help the Borrower to determine the resources necessary to address labor issues. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout the development and implementation of the project. Accordingly, this document details the type of workers likely to be deployed by the project and the management of their working conditions.
6. The MPA will benefit about 5 million people living along the N1 corridor and create an estimated 176,600 jobs over a 10-year period. This estimation of number of jobs created includes direct, primary supply and contracted workers, i.e., all those employed by contractors during the construction and maintenance phases of the project, as well as any potential sub contracted entities, e.g., micro or small to medium enterprises which may be engaged in road maintenance activities. The project encourages the engagement of women and aims to provide 25% of total jobs to women that will be created through support to labor intensive micro-enterprises. This project has a tremendous potential to additionally achieve significant climate benefits.

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7. The Project components are as follows:

Component 1: Safe and Resilient Corridor Connectivity - This component will focus on safe and resilient rehabilitation, improvement, and maintenance of 1053 km in seven of the most critical sections of the N1; it will finance simplified conceptual designs and supervision contracts for Output and Performance-Based Road Contracts (OPRC), design stage road safety audits of the road sections to be included in the project, and civil works under OPRC.

Component 2: Community Based Maintenance of Feeder Roads - This component will finance the preparation of the community-based maintenance of feeder roads pilot connecting to or in areas near to the N1, as well as its implementation, including necessary consultancy services, works, and the capacity building activities.

Component 3: Improved Road Safety - This component will finance necessary TAs to support the Government's aspirations towards achieving Sustainable Development Goal 3.6 (decrease the number of road crash death by 50 percent by 2030).

Component 4: Institutional Development and Project Management - This component will finance institutional development capacity building activities and project management costs.

Component 5: Contingency Emergency Response Component (CERC) - This component will facilitate access to rapid financing by allowing reallocation of uncommitted project funds in the event of a natural disaster either by formal declaration of a national or regional state of emergency or upon a formal request from the Government of Mozambique (GoM).

8. **Environmental and Social Aspects**

The World Bank's requirements related to labor are outlined in Environmental and Social Standard 2 on Labor and Working Conditions (ESS2) under the Environmental and Social Framework (ESF). ESS2 guides the Borrowers in promoting sound worker-management relationships and enhancing the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. Key objectives of the ESS2 are to:

- Promote safety and health at work;
- Promote fair treatment, non-discrimination and equal opportunity of project workers;

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- Protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- Prevent the use of all forms of forced labor and child labor;
- Support the principles of freedom of association and collective bargaining of project workers; in a manner consistent with national law; and
- Provide project workers with accessible means to raise workplace concerns.

9. Scope and Structure of the LMP:

10. The applicability of ESS2 is established during the project's concept stage through an assessment of its potential environmental and social impacts. The scope of application of ESS2 depends on the type of workers expected to be used under the project and their employment relationship with the PIUs. This LMP provides guidelines for management of direct workers, contract workers, and primary supply workers during the implementation of the SRSEI project. As such, the structure of this LMP will cover issues under labor use in the project; potential labor risks; relevant and applicable labor legislation; organizational responsibilities; policies and procedures; terms and conditions of employment, age of employment; grievance redress mechanism; contractor management; and primary supply workers.

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2. OVERVIEW OF LABOR USE IN THE PROJECT

11. The LMP applies to all Project workers whether full-time, part-time, temporary, or migrant workers. The LMP is applicable to all stages of the MPA and is relevant to:
- i. People employed or engaged directly by ANE including government officers (from ANE or other agencies/ministries), seconded to work specifically in relation to the SRSEI project;
 - ii. People employed or engaged by contractors and consultants to perform work related to the core function of the SRSEI, regardless of location;
 - iii. People employed or engaged by Client or Contractors primary suppliers.

2.1. Type of Workers required under the MPA

12. ESS 2 categorizes the workers into direct workers, contracted workers, community workers and primary supply workers. The MPA will use direct workers, contracted workers and primary supply workers. Community workers are not anticipated to be used by the Project.
13. **Direct workers.** The project will be implemented at national level by ANE and Ministry of Transport and Communications (MTC). ANE is responsible for the overall implementation of the project and currently has in place environmental and social specialists capable of implementing existing risk management instruments. Additional specialists are expected to be hired under the project by ANE as follows:

RF/ANE PIU level: One (1) Environmental Specialist; One (1) Social/Resettlement Specialist; One (1) GBV/SEA/SH Expert; One (1) Senior Highway Engineer with experience in climate resilient infrastructure; One (1) Road Safety Expert; and One (1) Drainage/Bridges Engineer.

Provincial level: Five (5) Environmental Specialists, five (5) Social/Resettlement Specialists, five (5) GBV/SEA/SH Experts, five (5) Road Safety Officers, five (5) Occupational Health and Safety (OHS) Officers with experience in ISO45001:2018 or OHSAS 18001:2007 certification one per province (based in Cabo Delgado, Nampula, Sofala, Zambézia and Inhambane respectively);

MTC PIU level: One (1) Road Safety Specialist with emphasis on Policy Development (Safety Policy); two (2) Safety Data Base Specialists (Development of a Centralized Database for the collection of road safety statistics); one (1) Road Safety Training Specialist (Capacity development of enforcement officials); one (1) Road Safety Training Specialist (Technical inspection of vehicles and Driver

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Training); one (1) Road Safety Training Specialist (development of Road Safety training at school and Community level); one (1) Communication Specialist (production and management of road safety campaigns), and one (1) Road Safety Infrastructure Development Expert (Parking Areas, Training Depot, Vehicle Inspection Depot).

This constitutes a total of 31 employees that are classified as direct workers.

Contracted Workers: These include:

- (i) Private organizations (contractors, consultants, sub-contractors) who will directly implement civil works related to road rehabilitation and maintenance. This also includes consultants hired individually for technical support.

- (ii) Third party organizations to provide capacity building and support services to ANE/MTC, such as for implementation of the SEA/SH Action Plan, Third Party monitoring and auditing.

Contractors or sub-contractors will hire micro or small to medium enterprises to undertake aspects of the civil or maintenance works. These workers are classified as contracted workers and all ESS2 requirements will be applicable to them. All micro-enterprise contracted workers, as outlined in the LMP, will be subjected to ESS2 requirements. As necessary, the LMP will be updated during implementation once the mechanism of engagement of micro-enterprise on the project is further developed.

Contractors are likely to employ both local workers and migrant workers. Local and migrant workers have the same rights, opportunities and duties as other workers in the place where they work. Domestic labor influx can occur in the context of any major project including roads and infrastructure development. The scale and nature of road projects can make such undertakings particularly vulnerable to such dynamics. A key driver of socio-economic change in any project context can be rapid population increase or influx in response to project labor demand, or perceptions of direct or indirect economic opportunity associated with the project. The impacts of labor influx which often long outlast the project and investment cycle, can represent a significant risk to the anticipated socio-economic development and lead to community anger and social conflict, reputational impacts, investor concerns and cost overruns. The Contractor will have the responsibility to provide management and to structure and coordinate Project Induced Labor Influx (PILI) management procedures for SRSEI. Furthermore, the Contractor will take the responsibility

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for ensuring that specific PILI responsibilities allocated to them are organized and implemented. The Contractor will have the responsibility to ensure that employees and contracted third parties are trained and aware of all required PILI procedures.

International migrant workers are also expected to be employed by the project. Foreign nationals performing occupational activities in Mozambique have the right to equal treatment and opportunities in relation to Mozambican workers, within the framework of the rules and principles of international law and in compliance with the reciprocity provisions agreed to between Mozambique and any other country. Under Mozambican law, foreign employees who have the necessary academic or vocational qualifications may only be employed when there are no nationals with the same qualifications, or where such nationals are insufficient in number (Article 33 of the Labor Law).

Primary Supply Workers:

These are people employed or engaged by ANE/MTC PIUs' primary suppliers. 'Primary suppliers' are those suppliers who, on an ongoing basis, provide goods or materials essential for the core functions directly to the project. At this stage of the project, it is not known exactly who the primary supply workers will be, but ANE/MTC PIUs will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers, prior to engaging them. Primary suppliers will be monitored during subproject implementation by the ANE/MTC PIU team, Owner's Engineer and Third-Party Monitoring Agency.

If child labor or forced labor cases are identified, the primary supplier will be required to take appropriate steps to remedy them. If there is a significant risk of serious safety issues related to primary supply workers, the relevant primary supplier must introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness. Should any issues of child or forced labor or significant safety issues continue without sufficient mitigation, ANE/MTC PIUs will, within a reasonable period, shift the project and subproject's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements of ESS2.

2.2. Number of Project Workers

14. **Direct Workers.** The total number of direct workers at RF/ANE PIU and Provincial level is thirty-one (31) and the total number of direct workers at MTC PIU level is eight (8), as noted in paragraph 12.

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15. **Contracted Workers.** The precise numbers of project workers, civil works contractors, supervising consultants, or microenterprises who will be contracted to implement the project are not yet known. This will be determined when implementation of construction works of sub projects begins.
16. **Primary Supply Workers.** The number of workers is not known at this stage.

2.3. Workforce Characteristics

17. Different types of workers are anticipated for different aspects of project implementation – either different specialists at PIU level, civil works contractors, supervising engineers, road safety specialists, individual and consulting firms for third party monitoring or capacity building etc. Under civil works contracts, it is likely that the majority of workers will be male (semi-skilled or skilled). The Project aims to ensure that 25% of the overall workforce constitutes female workers (semi-skilled or skilled). The majority of labor is expected to be locally hired with some national and international migrant skilled workers.

2.4. Timing of Labor Requirements

18. The direct workers at RF/ANE, IP and MTC must be in place within 120 days after Project effectiveness and shall be maintained throughout the Project implementation period. Contracted (civil works contract workers, supervising engineers, consultants and third-party monitoring organizations) and primary supply workers will be engaged for the period of time required to implement subprojects.

3. ASSESSMENT OF POTENTIAL LABOR RISKS

Potential labor risks and mitigation measures for the MPA are identified in the tables below:

Table 1 General potential labor risks and mitigation measures

Potential Labor Risk	Potential Mitigation Measures
<p>General risks associated with all workers especially workers at sub project level: Employers may not follow Mozambican labor legislation or ESS2 which could increase health and safety risks or incidences of child or forced labor.</p>	<p>All employers (especially Contractors) will be required to have a written contract with their workers materially consistent with objective of ESS2 and in compliance of this LMP, following the requirements in the Bank's Standard Procurement Document (SPD).</p>
<p>(i) Gender-Based Violence (GBV)/Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH) risk associated with all workers especially as a result of labor influx (contracted workers) (ii) forced labor and (iii) child labor</p>	<p>SEA/SH risks are applicable to all workers. These risks have been assessed under a specific assessment and mitigation measures identified. All workers will have access to a SEA/SH sensitive Grievance Redress Mechanism, sign a Code of Conduct on SEA/SH and receive training and awareness raising on SEA/SH. Additionally,</p>

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<p>GBV/SEA/SH risks are considered high given the size of sub project construction works. However, Mozambican law prohibits forced labor</p>	<p>survivor centered measures will be in place to support any survivors of SEA/SH.</p> <p>Specifically, contractors will be contractually required to not use child and forced labor, use age verification methods and introduce mitigation measures against GBV/SEA/SH.</p>
<p>Occupational Health and Safety (OHS) risks: These risks are applicable to all workers and are especially relevant to contracted workers at sub project level. All construction sites have a variety of activities that are hazardous (e.g., working at heights or in confined spaces, use of heavy machinery, or use of hazardous materials) and may lead to risk of injury.</p>	<p>All employers (especially contractors) will be required to develop and implement written labor management procedure, including procedures to establish and maintain a safe working environment as per requirements of ESS2. All Contractors will be required to develop and implement an OHS Management Plan as part of the C-ESMP which will be approved by the Bank prior to implementation of the works.</p>
<p>Risk of unsatisfactory employment and working conditions for all workers: There are several risks of unsatisfactory working conditions such as (i) lack of secure, contractual employment (ii) overwork (iii) non-payment of minimum wage and benefits etc.</p> <p>There is a risk of unaccounted working hours and lack of compensation for overtime work. According to Labor laws of Mozambique (23/2007), Work performed over and above the normal daily working hours is considered overtime. Overtime may be performed only:</p> <ol style="list-style-type: none"> a) when employers are faced with workload increases that do not justify the admission of employees under term contracts or permanent contracts; b) when there are material reasons. <p>There is also a risk that wages may not be in line with minimum wage and related benefits such as for medical coverage, social security benefits, overtime and paid leave may not be paid.</p>	<p>All workers must have employment contracts that fulfil Mozambican legal and ESS2 requirements.</p> <p>Each employee may perform up to ninety-six hours of overtime per quarter, but no employee shall perform more than eight hours of overtime per week nor exceed two hundred hours per year (Article 90). The project will seek to address the risk through informing Direct Workers their rights and establishing a Grievance Redress Mechanisms for Direct Workers.</p> <p>At PIU level, all records of employment will be maintained. Conditions of employment of contracted workers will be monitored by the Owner’s Engineer and PIU ES Safeguards team. Non conformances will be highlighted in the monthly reports. A Third-Party Monitoring Agency will undertake audits every 6 months and produce a report.</p>
<p>Fragility, Conflict and Violence (FCV) risk Mozambique has recently been classified as a Fragility, Conflict and Violence (FCV) country under Medium-Intensity Conflict due to the security situation in several regions of the country.</p>	<p>To assess such risks, the MPA will prepare a Security Risk Assessment and Management Plan that will provide measures to ensure that risk mitigation measures are in place for workers and local communities.</p>

Table 2. Potential labor risks identified for different worker categories and their mitigation measures

Category of workers	Description	Main labor risks	Mitigation measures
<i>Direct workers</i>	Direct workers are those with whom SRSEI has directly contracted employment relationship and	<ul style="list-style-type: none"> • Accidents, diseases (e.g., Covid19, 	<ul style="list-style-type: none"> • Implementation of OHS • Contracts with

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Category of workers	Description	Main labor risks	Mitigation measures
	<p>specific control over their work, working conditions, and treatment of the project worker. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project.</p>	<p>HIV/AIDS, etc.), conflicts with communities,</p> <ul style="list-style-type: none"> • GBV/SEA/SH, • violation of contracts, poor working conditions 	<p>labor/employees</p> <ul style="list-style-type: none"> • OHS provisions • Code of Conduct especially on SEA/GBV/SH • Training and awareness raising especially on SEA/GBV/SH • PPE • GRM • Emergency response plan • Collective bargaining • World Bank’s interim note on “COVID-19,
<i>Contracted workers</i>	<p>Contracted workers are those employed or engaged by a third party to perform work or provide services related to the core functions of the project, where the third-party exercises control over the work, working conditions, and treatment of the project worker.</p>	<ul style="list-style-type: none"> • Hazardous work, • Child labor, • Forced labor • Migrants • Discrimination (against direct workers and primary supply workers, women, vulnerable groups, etc.) • Labor influx • Possible accidents or emergencies • GBV/SEA/SH • Occupational health and safety risks during construction 	<ul style="list-style-type: none"> • C-ESMP to include labor management; • Code of conduct • Worker training and awareness raising especially on SEA/GBV/SH • Contractor training • Safety records • Workplace inspection • Workers’ camps • GRM • World Bank’s interim note on “COVID-19, • First Aid kit
<i>Primary supply workers</i>	<p>Primary supply workers are those employed or engaged by a primary supplier, providing goods and materials to the project, over whom a primary supplier exercises control for the work, working conditions, and treatment of the person.</p>	<ul style="list-style-type: none"> • Hazardous work • Child labor, • Forced labor • GBV/SEA/SH 	<ul style="list-style-type: none"> • Periodic monitoring • Enforce Code of Conduct • Certification of laborers’ age using legally recognized

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Category of workers	Description	Main labor risks	Mitigation measures
			documents such as the National • Identification Card, and Birth Certificate, • Emergency response plan • GRM

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4. BRIEF OVERVIEW OF RELEVANT AND APPLICABLE LABOR LEGISLATION

19. Standards for labor and Working Conditions are defined in the Labor Act 2007 and Mozambique Occupational Health and Safety Decree of 2006 and 2013. The Labor Act (2007) addresses:

- (i) Conditions of service and employment including wages and payment, establishment of collective bargaining procedures, employment of young people, maternity benefits, working hours and leave;
- (ii) health, safety, hygiene, and welfare, and compensation for injury and
- (iii) trade unions and industrial relations.

20. Mozambique has ratified the following ILO conventions:

- **C029 - Forced Labour Convention, 1930 (No. 29)**
- ***P029 - Protocol of 2014 to the Forced Labour Convention, 1930 ratified on 14 Jun 2018 (In Force)***
- **C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**
- **C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**
- **C100 - Equal Remuneration Convention, 1951 (No. 100)**
- **C105 - Abolition of Forced Labour Convention, 1957 (No. 105)**
- **C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**
- **C138 - Minimum Age Convention, 1973 (No. 138) Minimum age specified: 15 years**
- **C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)**

Table 3. Review of relevant and applicable labor legislation

Legislation	Labor Issues being addressed
The Constitution	The Constitution makes provisions for the right to retribution and safety in the workplace as well as the right to healthcare. Article 85 (2) stipulates that all workers shall have a right to protection, health and safety at work, and Article 89 stipulates that all citizens shall have the right to health and medical care and shall have the duty of promoting and protecting public health.
Labor Law 23/2007 of August 1st	The law makes special provisions for women workers, child labor, and health, safety and hygiene in the workplace. The legal framework in Mozambique for the latter goes beyond the Labor Law and includes the Constitution of 2004, the ILO Conventions related to the matter and other regulations such as the Judicial Regime on Work Related Accidents and Work-Related Illnesses.

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Legislation	Labor Issues being addressed
Occupational Health and Safety: Decree No 62/2013	Approves the Regulation establishing the Legal Regime for Accidents at Work and Occupational Diseases and repeals Legislative Diploma No. 1706 of 19 October 1957.
Decree 5/2016	This legislation has provisions ranging from procedures for contracting of contractors for public civil works, goods and service provider to the management of such contracts, to claims and appeals. Of relevance is Article 160 on Safety and Discipline on Site. Article 160 stipulates that the contracting party should demand a Health and Safety Plan from the contractor; that the contractor is obliged to guarantee safety in the construction site and places of work and should abide by the legislation on health, hygiene and safety in the workplace; the contractor should maintain a reliable signpost signaling system in the construction site and especially where works are being carried out on public roads; and the contractor should ensure discipline and order in the site location and areas of work.
Decree No. 5/2002	Legislation to protect workers with HIV/AIDS from discrimination. This Law establishes the general principles aimed at ensuring that all employees and applicants for employment are not discriminated against in the workplace or when applying for jobs because they are suspected or HIV / AIDS. Article 8 states that the worker who becomes infected with HIV / AIDS in the workplace, in connection with his professional occupation, in addition to the compensation they are entitled, have ensured adequate medical assistance to alleviate their state of health, pursuant to the Labor Law and other applicable law, at the expense of the employer.
Decree no. 37/2016, dated August 31 st	Decree that approves the Regulation governing the Mechanisms and Procedures for Employment of Foreign Nationals, with a view to adjust it to current market development challenges, in the light of article 269 of Law No. 23/2007 of 1 August of the Labor Law.
Decree 45/2009 of 14 August	The role of labor inspectors includes: ensuring that the rights of workers representatives within the workplace are guaranteed; ensuring that companies comply not only with the law but with their internal regulations and collective bargaining agreements; overseeing health and safety in the workplace; ensuring appropriate first aid facilities and capacity; ensuring consultation and availability of information and instructions, and training for workers and their representatives; overseeing the legal requirement for professional training and transfer of knowledge by foreign employees to local staff; ensuring compliance with INSS; intervention in labor conflicts.

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4.1. Policy Gaps

Table 4. Main gaps of Government System with respect to the WB ES Standards

WB ES Standard	Mozambican Labor Act Gaps
ESS2: Labor and Working Conditions	(i) The Labor Act does not specifically require that development projects be assessed and reviewed in terms of labor and working conditions including OHS requirements before approval. (ii) The Labor Act does not require development projects to prepare Labor Management Plans / Procedure or OHS Plan.

Conformance of the Mozambique Labor Act with key elements of the ESS2

Key Elements of ESS2	Provisions in the Labor Act	Steps Planned
Equal Opportunity and Non-discrimination	The law contains important provisions prohibiting discrimination based on sex and disability, including equal wages for equal work.	No steps required.
Timely payment	Wages must be paid before the expiry of the last day of the wage period.	No steps required.
Working hours and overtime	Normal working hours shall not exceed forty-eight hours per week and eight hours per day. Normal daily working hours may be extended to nine hours per day. Act has adequate provisions.	No steps required.
Worker rights	Regular leaves and benefits. Employer must provide reasons for termination. Act has adequate provisions.	No steps required
Prevents use of all forms of forced labor and child labor	Normal working hours of minors between the ages of fifteen and eighteen shall not exceed thirty-eight hours per week, up to a maximum of seven hours a day. Otherwise, all forms of forced and child labor are banned.	No steps required
Protection of Workers		
OHS	The law provides for comprehensive OHS and empowers the Department of Labor to conduct inspections of establishments and	The World Bank's interim note on "COVID-19 Considerations in construction / Civil Works Projects" will need to be followed.

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Key Elements of ESS2	Provisions in the Labor Act	Steps Planned
	to imposed penalties for violations or noncompliance.	
Children at Working Age	Employers shall, in conjunction with the relevant trade union body, adopt measures aimed at affording minors working conditions that are appropriate for their age, health, safety, education and vocational training and preventing any damage to their physical, psychological, and moral development.	No steps required
Women	Female employees shall be entitled to maternity leave of sixty consecutive days, which may commence twenty days prior to the expected delivery date, and which may be enjoyed consecutively	No steps required
Person with Disabilities (PWD)	The Act provides for rights to discrimination-free employment opportunities.	No steps required
Migrant Workers	Migrant workers have the same rights, opportunities, and duties as other workers in the foreign countries where they work, within the framework of governmental agreements signed on the basis of independence, mutual respect, reciprocal interests and harmonious relations between the respective peoples.	No steps required
Contracted Workers	In case where the wages of a worker employed by a contractor are not paid by the contractor, the act has adequate provisions to resolve this matter	No steps required
Community Workers	The labor law does not recognize community workers as defined in the ESS2 and hence does not provide any special considerations for such contracting arrangements. The law requires that all labor supply contracting entity will have to be formally registered and workers should first be the responsibility of the contracting entity.	No steps required

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Key Elements of ESS2	Provisions in the Labor Act	Steps Planned
Supplier/ Supply Workers	The law does not assign any responsibility to the project on supplier's laborers and their working conditions. Workers of suppliers will have to be the responsibility of the suppliers.	The LMP incorporated necessary provisions and actions.
Freedom of association and collective bargaining	Employees are allowed to form associations in accordance with the act.	No steps required
Access to grievance redress mechanism	Employees can seek direct civil law redress from the Labor Courts for complaints regarding terms and conditions employment and wages. While health and safety, maternity welfare and child labor offences are subject to criminal prosecution. In general, there is institutional GRM for labor in Mozambique as per the standards/ provisions of the Bank's ESS2.	The LMP incorporated necessary provisions and actions.

4.2. National Legislation

21. The country's social, economic and political development has necessitated a re-structuring of the legal framework governing labor, employment and social security in pursuant to article 179 (1) of the Constitution of the Republic. The sources of Labor Law are the Constitution of the Republic, normative instruments enacted by the Assembly of the Republic and the Government, international treaties and conventions, as well as collective labor regulation instruments. This law shall apply to the legal employment relationships between employers and employees, both national and foreign, in all fields of activity, who carry out their activity in Mozambique.

22. The Labor Law of Mozambique No. 23 dated August 1, 2007 is the fundamental law aimed to regulate all labor matters arising in Mozambique. Where a contradiction arises between a rule in this law and other diplomas that regulate labor relations, the interpretation that is consistent with the principles defined in the labor law shall prevail.

4.2.1 Relevant Labor Legal Provisions

23. The Labor Law shall be interpreted and applied in accordance with, among other principles, the principle of the right to work, of employment stability and job stability, of change in

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circumstances and of non-discrimination on grounds of sexual orientation, race or HIV/AIDS.

24. **Types of contracts:** Under Mozambican labor law, there are 3 types of employment contracts:-

- term employment contract;
- fixed-term employment contract;
- non-fixed-term employment contract.

25. Term contracts are only allowed for the fulfillment of temporary tasks e.g. temporary replacement of an employee, performance of tasks required by an exceptional or abnormal increase of production, as well as to carry out seasonal activity; performance of activities that do not relate meeting the employer's permanent needs; performance of construction work, a project or other specific, temporary activity, including execution, management and supervision of civil construction works, public works and industrial repairs, under a contract; and provision of services complementing the latter, in particular subcontracting and outsourcing services.

26. Fixed-term contracts are allowed a maximum duration of two years. They may be renewed twice by agreement of the parties. Small and medium enterprises are exempted from this requirement, being free to freely enter into fixed-term contracts without regard for the limitation on renewals for the first 10 years of their activity.

27. Non-fixed-term employment contracts are only permissible when it is not possible to predict with certainty the date of termination, subject to a justifiable reason. Such contracts are deemed to be converted into a permanent employment contract if the employee remains in service after being given notice of termination or, in the absence thereof, after seven days following the return of the replaced employee or completion of the activity, service, construction work or project for which he had been hired.

28. **Wages, deductions and benefits**

Remuneration is payment to which the employee is entitled in return for his or her work, in the terms of the individual employment contract or collective labor agreement and customary practice. Remuneration comprises the basic wage and all regular and periodic payments made directly or indirectly, in money or in kind (Article 108). During the course of an employment contract, no deductions shall be withheld or made from the remuneration of an employee, other than those that the employee has authorized expressly, in writing. However,

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the preceding provision shall not apply to deductions in favor of the State, Social Security or other entities, provided that such deductions are prescribed by law, by final court decision or by arbitral award, or pursuant to fines applied for disciplinary offences under labor law. According to Article 114, employers and employees may agree to other deductions, in collective labor regulation instruments. However, the total amount of deductions shall in no event be greater than one third of the employee’s monthly remuneration, which must meet the minimum wage in Mozambique according to sector.

Table 5. Minimum wage in Mozambique by sector

No	Sector of Activity	Minimum Salary (MZN) 2021
01	Agriculture, Livestock, Hunting and Agro Forestry (Sector 1)	4.829,00
02	Industrial and semi-industrial fishing (Sector 2)	5.570, 75
03	Kapenta fishing (Sector 2)	4.401,68
04	Mining Extraction Industry (Sector 3)	9.848,89
05	Mining industry - Quarrying and sand mining (sand extraction) (Sector 3)	5.580,00
06	Salt mine (salinas) (Sector 3)	5.559,00
07	Manufacturing industry (Sector 4)	7.450,00
08	Bakery Industry (Sector 4)	5.350,00
09	Production and distribution of electricity, gas and water (Sector 5)	8.900,00
10	Small Operators (Sector 5)	7.246,72
11	Construction (Sector 6)	6.330, 00
12	Non-financial services and activity (Sector 7)	7.300,00
13	Subsector of the Hotel Industry	6.578,00
14	Financial activity and services (Sector 8)	13.410,18
15	Micro-finances, micro-insurances and other ancillary activities of financial intermediation (Sector 8)	11.914,43

Source: INE (2021),

29. Hours of work, rest per week

Limits on normal working hours are provided in Article 85 and stipulate that:

Normal working hours shall not exceed forty-eight hours per week and eight hours per day. Without prejudice to the provisions of the preceding paragraph, the normal daily working hours may be extended to nine hours per day, provided that the employee is given an extra

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half day of rest per week, over and above the weekly day of rest. Under collective labor regulation instruments, normal daily working hours may be increased in exceptional cases by up to a maximum of four hours, provided the weekly working time shall not exceed fifty-six hours. Only exceptional work and overtime performed for reasons of force majeure shall not count towards this limit. All employees are entitled to a weekly rest period of at least twenty consecutive hours on a day that is normally Sunday (Article 95). The weekly day of rest may be on a day other than Sunday in the following cases:

- a) for employees who are required to ensure the continuity of services which cannot be interrupted;
- b) for employees in establishments engaged in sales to the public or the provision of services;
- c) for staff that perform cleaning services or preparatory or complementary work that should be carried out on the rest day of the other employees;
- d) for employees whose activity should, by its nature, be performed on Sundays.

30. Leave entitlement

Employees shall be entitled to the following periods of paid annual holidays according to Article 99:

- a) one day for every month of actual service, during the first year of service;
- b) two days for every month of actual service, during the second year of service;
- c) thirty days for every year of actual service, from the third year onwards.

31. Non-discrimination, equal opportunity

The recruitment of project workers will be free from any kind of discrimination as provided by Article 4 of the labor law which provides the principle of the right to work, of employment stability and job stability, of change in circumstances and of non-discrimination on grounds of sexual orientation, race or HIV/AIDS. Every employer must pay employees equal salary for work of equal value without discrimination of any kind.

32. Grievance Redress Mechanism

Disciplinary procedures are subject to the mandatory provisions set out in the Labor Law. No specific legal provisions regarding grievance procedures exist. These may be established through collective bargaining agreements.

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4.2.2 Occupational Health and Safety Legal Provisions

33. All employees have the right to perform their work in hygienic and safe conditions, and employers are responsible for creating and developing adequate means for protecting the physical and mental integrity of employees and constantly improving working conditions. Employers shall afford their employees good physical, environmental and moral working conditions, inform them of the risks of their job, and instruct them on appropriate compliance of the rules on hygiene and safety at work. Whenever necessary, employers should provide protective equipment and appropriate work clothing in order to prevent the risk of accidents or detrimental effects on the health of employees (Article 216).
34. All enterprises that pose exceptional risks of accident or occupational illness shall have an obligation to establish work safety commissions. Work safety commissions shall comprise representatives of the employees and the employer, and their purpose shall be to supervise compliance with the rules on hygiene and safety at work, to investigate causes of accidents and, in conjunction with the enterprise's technical services, to organize preventive measures and ensure hygiene at the workplace (Article 217).
35. The Labor Inspectorate shall be responsible for ensuring compliance with the rules on hygiene and safety at work, and it may request collaboration from other competent government bodies, whenever it deems it necessary (Article 218).
36. At enterprises equipped with a private health unit, the doctors in charge, or their substitutes, shall carry out regular examinations of the employees of the enterprise, in order to check:
 - a) whether the employees meet the conditions of health and physical fitness necessary for the work stipulated in their contract;
 - b) whether any employee is carrying an infectious-contagious disease that may endanger the health of the other employees in the enterprise; and
 - c) whether any employee is suffering from a mental disease that makes his or her employment in the assigned job inadvisable (Article 221).
37. The health and safety of both the general public and the workers must be of prime concern for all parties involved in road construction activities. Here are some of the Labor law provisions on OHS:
38. **Identification of hazards**

A safe and healthy work environment for people at work is required to prevent loss of life or

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personal injury. Occupational health and safety (OHS) risks will be identified and mitigated in the OHS plan required to be implemented by all contractors. Risks associated with road works include earthworks and excavation, quarrying, filling, compacting, use of heavy machinery and vehicles, hot works, use of hazardous materials such as asphalt, etc.

39. Covid 19 Preventive measures

The following are some of the measures for Covid 19 prevention in the work place:

- Where possible arrange outdoor meetings.
- Ensure that everyone uses face masks.
- Face-to-face interactions or meetings must obey the maximum number of people legislated by the requirements in force about COVID-19.
- Encourage workers suspected to be contaminated not attend work or have any interaction with project member and report immediately to the site supervisor.
- Encourage the use of cough etiquette.
- Advise all workers who are positive for COVID 19 to remain at home, report immediately to supervisor and not participate in any project activity.
- Practice physical distancing, maintaining 1.5m between participants. For small group meetings devise ways of having meetings which allow the group to maintain social distancing but continue to function as a group, e.g., semi-circle arrangements.

40. Training

Vocational training is a fundamental right of citizens and workers, and the State and employers shall allow this right to be exercised through actions aimed at giving effect to it. The vocational training, improvement, retraining and re-qualification of employees, especially young persons, are aimed at developing capacities and the acquisition of knowledge and facilitating access to employment and to higher occupational levels, with a view to furthering personal achievement and promoting the economic, social and technological development of the country (Article 238).

41. Reporting of incidents

The employee or another person shall report the occurrence of any work accident or occupational illness, as well as its consequences to the employer. Health institutions have an obligation to report the death of any injured employee to the employment courts, and to the person whose care the injured employee was in (Article 227).

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42. Remedies for injuries, death

All employees working for employers shall have a right to reparation in the event of a work accident or occupational illness, except when it results from drunkenness, a drugged state or voluntary intoxication of the victim. The right to reparation by virtue of a work accident or occupational illness presupposes that the employer will endeavor to place the injured employee in a job that is compatible with his or her residual capacity (Article 229 of Labor Law). According to Article 233, when a work accident or occupational illness results in a loss of capacity to work, the employee shall be entitled to:

- a) a pension, in the event of permanent total or partial disability;
- b) compensation, in the event of temporary total or partial disability.

Additional compensation shall be awarded to victims of work accidents or occupational illness, resulting in disability, who require constant assistance from another person. If the accident or occupational illness results in the death of the employee, a survivor's pension shall be awarded.

43. Coverage of all workers

According to Article 231, employers shall have collective insurance for their employees, for coverage of work accidents and occupational illness. For activities whose characteristics pose a particular occupational risk, enterprises shall have specific collective insurance for employees exposed to that risk (Article 232).

44. Access to canteens, hygiene facilities, areas for rest

Every unit having more than 25 laborers must have arrangement of a dining and rest room with facilities of drinking water. This also ensures employee safety, health and ability to resolve any kind of disputes and unfairness. Employees shall all be registered to (INSS) Social Security and contributions will be made by both employee and employer in accordance with prevailing legislation.

4.3. The World Bank Environmental and Social Standards (ESS): Standard 2

45. The World Bank's stipulations in relation to labor are outlined in its ESS2. The Implementing agency is to promote sound worker-management relationships and provide safe and healthy working conditions.

46. ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and

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migrant workers. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants.

47. Working conditions and management of worker relationships. The Implementing Agency will develop and implement internal labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and ESS 2. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and contract workers.
48. Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor law and ESS requirements (which will include collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits. This information will be provided at the beginning of the working relationship and when material changes occur.

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5. ORGANIZATIONAL RESPONSIBILITIES

49. The Project Manager will oversee and guide all the workers associated with the project.
50. ANE's Social and Environmental specialists will be responsible for the following:
- Oversee the implementation of this LMP
 - Ensure that civil works contractors include measures in line with LMP in their C-ESMP and comply with them.
 - Ensure that Contractors prepare occupational health and safety plans before mobilizing in the field.
 - Ensure the contracts with the contractors are developed in line with the provisions of this LMP and the project's ESMF, as detailed in the Project Operations Manual (POM).
 - Monitor to verify that contractors are meeting labor and OHS obligations toward contracted and subcontracted workers as required by Mozambican law and respective contracts between ANE and the contractors.
 - Monitor contractors and subcontractors' implementation of labor management procedures.
 - Monitor primary supply workers obligations under the LMP
 - Monitor compliance with occupational health and safety standards at all workplaces in line with Mozambique Republic occupational health and safety legislation.
 - Monitor and implement training on LMP and OHS for project workers.
 - Ensure that the grievance redress mechanism for project workers is established and implemented and that workers are informed of its purpose and how to use it.
 - Have a system for regular monitoring and reporting on labor and occupational safety and health performance.
 - Monitor implementation of the Worker's Code of Conduct (as provided in **Annex 1**).
 - Arrange and oversee labor audits periodically
51. The POM will include standard templates of contracts which include LMP, OHS aspects, and the contractors (Civil Works) commit to them. LMP and OHS responsibilities of the Contractors are as follows:
- Follow the labor management procedures as specified in LMP and occupational health and safety requirements in line with the ESMF provisions and as stated in the contracts signed with Implementing Agency. If the number of workers (direct + contracted) is above 50, then Contractors will develop their own LMP and OHS plans.
 - Hire staff to oversee the implementation of Labor related interventions;

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- Supervise the subcontractors' implementation of labor management procedures and occupational health and safety requirements.
- Maintain records of recruitment and employment of contracted workers as provided in their contracts.
- Clearly communicate job descriptions and employment conditions to all workers.
- Make sure every project worker hired by contractor / subcontractor is aware of ANE's dedicated phone number, email address, and web portal through which anyone can submit grievances.
- Provide induction (including social and SEA / SH awareness induction) and regular training to employees in labor protection requirements, including training on their rights on safe labor under Mozambique Republic law, on the risks of their jobs, and on measures to reduce risks to acceptable levels.
- In collaboration with ANE Safeguards Specialists, conduct training on labor management procedures and occupational safety to manage subcontractor performance.
- Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works and supervise compliance with the Code.

The Owner's Engineer will hire specialist staff on labor to monitor labor issues. Together with ANE, they will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labor management procedures. This may include periodic audits, inspections, and / or on-site checks of project locations and work sites as well as of labor management records and reports compiled by contractors. Guidelines to undertake a Due Diligence for Social and Environmental Mitigation Measures in Contracts has also been provided in **Annex 2**.

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6. POLICIES AND PROCEDURES

52. As specified in the Labor Law, employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment.
53. Most environmental and social impacts of subprojects resulting from activities directly under the control of contractors will be mitigated directly by the same contractors. As such, ensuring that contractors effectively mitigate project activities related impacts is the core of the SRSEI approach. ANE will incorporate standardized environmental and social clauses in the tender documentation and contract documents, in order for potential bidders to be aware of environmental and social performance requirements that shall be expected from them, are able to reflect that in their bids, and required to implement the clauses for the duration of the contract. ANE will enforce compliance by contractors with these clauses.
54. As a core contractual requirement, the contractor is required to ensure all documentation related to environmental and social management, including the C-ESP and any labor management related documents, are available for inspection at any time by ANE’s appointed agents. The contractual arrangements with each project worker must be clearly defined in accordance with national law. All environmental and social requirements will be included in the bidding documents and contracts in the SRSEI environmental and social instruments.
55. Under no circumstances will ANE, the MTC, Contractors, suppliers or sub-contractors engage forced labor. Forced labor includes bonded labor (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods, retaining the worker’s identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable at the commencement of employment, loss or delay of wages that impede the workers’ right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work on a non-voluntary basis.
56. **Occupational, Health and Safety**
ANE is committed to:

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1. Complying with legislation and other applicable requirements which relate to the occupational health and safety hazards.
 2. Enabling active participation in OH&S risks elimination through promotion of appropriate skills, knowledge and attitudes towards hazards.
 3. Continually improving the OH&S management system and performance.
 4. Communicating this policy statement to all persons working under SRSEI with emphasis on individual OH&S responsibilities.
 5. Availing this policy statement to all interested parties in project facilities and sites.
57. SRSEI through ANE will have a designated OHS specialist for sub project implementation. At a minimum, the representative must:
- a. Identify potential hazards;
 - b. In collaboration with the employer, investigate the cause of accidents at the workplace;
 - c. Inspect the workplace including plant, machinery, and substance, with a view to ascertaining the safety and health of employees provided that the employer is informed about the purpose of the inspection;
 - d. Accompany an inspector whilst that inspector is carrying out the inspector's duties in the workplace;
 - e. Attend meetings of the safety and health committee to which that safety and health representative is a member;
 - f. Subject to (g), make recommendations to the employer in respect of safety and health matters affecting employees, through a safety and health committee; and
 - g. Where there is no safety and health committee, the safety and health representatives shall make recommendations directly to the employer in respect of any safety and health matters affecting the employees.
 - h. Follow the World Bank's interim note on "COVID-19 Considerations in Construction/Civil Works Projects"
58. **Labor Influx and Gender Based Violence**
- Contractors will include measures concerning use of labor in their C-ESMPs. This will include any special plans required to manage labor influx or management of labor camps. The C-ESMPs will be developed and submitted to ANE and the World Bank for approval before the start of civil works. Contractors will also develop and use a code of conduct (CoC) that will be signed by all employees. The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior. The CoC shall include sanctions for noncompliance, including non-compliance with specific policies related

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to gender-based violence, sexual exploitation and abuse, and sexual harassment (e.g., dismissal). The CoC shall be translated into whatever vernacular language required for clear understanding and signed by each worker to indicate that they have:

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

A copy of the CoC shall be displayed in a location easily accessible to the community and project affected people. It shall be provided in all languages required.

59. Contractors shall address the risk of gender-based violence, through:
- i. Mandatory training and awareness raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women. Training may be repeated;
 - ii. Informing workers about national laws that make sexual harassment and gender-based violence an offence that is punishable
 - iii. Adopting a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence.
 - iv. Including measures related to SEA/GBV/SH risk mitigation in their C-ESMP
60. A system to capture gender-based violence, sexual exploitation and workplace sexual harassment related complaints/issues shall be developed. This process shall be under the portfolio of a designated Officer who shall identify and engage the relevant stakeholders on SEA/GBV/SH issues. In addition, the following measures, highlighted in the POM, will be followed by Contractors, and monitored by the ANE SEA/GBV/SH and Social Specialists, to ensure fair treatment of all employees:
- Recruitment procedures will be transparent, public, and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
 - Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
 - Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.

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- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- Unskilled labor will preferentially be recruited from the surrounding communities.
- Employees will be informed at least two months before their expected release date of the coming termination.
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer.
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in two languages, in the state language and the language that is understandable to both parties.
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.
- Foreign workers will require work permits, which will allow them to work in the Republic of Mozambique.
- All workers will be 18 years old or above for civil works. This will be a requirement in ANE's contracts with civil works contractors.
- Normal working time should not exceed 48 hours per week and eight hours per day. The duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration.

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7. TERMS AND CONDITIONS OF EMPLOYMENT

61. The terms and conditions of employment are governed by the Labor Act. The Act makes it mandatory for employers to give its employees a copy of the written particulars of employment, signed by both parties. For SRSEI, contractors will be required to provide all its employees with written particulars of employment. Contractors will also be required to comply with the most current regulation of wages which is issued by the Government and reviewed on a regular basis. The order specifies the minimum wages, hours of work, overtime pay, leave entitlements, and the issue of protective clothing.
62. The contractors' C-ESMP will set out terms and conditions for the contracted and subcontracted workers. These terms and conditions will, at a minimum, follow this Labor Management Procedure, the Mozambique Labor Law and specified in the standard contracts to be used by ANE under SRSEI, which will be provided in Project Operations Manual.
63. **Non-discrimination and equal opportunity**
The recruitment of project workers will be free from any kind of discrimination as provided for by the Law regulating Labor in Mozambique. Article 4 of labor law provides for among other principles, the principle of the right to work, of employment stability and job stability, of change in circumstances and of non-discrimination on grounds of sexual orientation, race or HIV/AIDS. Every employer must pay employees equal salary for work of equal value without discrimination of any kind.
64. **Employment Contracts**
The project, subcontractor, and assignees of contracts shall pay rates of wages and observe hours and conditions of employment which are not less favorable than those established in Mozambique. Contractors and sub-contractors shall be certified according to the Government Requirements for governmental contractors including certification that the wages and conditions of employment of all those employed by the contractor in the industry in which the contractor is seeking to contract with the Government are fair and reasonable.
65. The contracts will be guided by the principle of collective bargaining applicable and where there is no minimum wage or rates established in the country, the guiding principle will be of fair wages and reasonable rates commensurate with governmental minimum wage and similar established rates and conditions.
66. The contractor shall keep proper wage records and time sheets for all those employed in

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relation to the execution of the contract, and the contractor shall produce the wage records and timesheets for the inspection of any person authorized by the project or the Labor authorities in Mozambique.

67. Contractors are required by law, to post conditions of work in conspicuous places informing workers of their rights and conditions of work.

68. A subcontractor shall be bound to conform to the conditions of the main contract and the main contractor shall be responsible for the observance of all contract conditions.

69. Contractors and subcontractors shall recognize the right of their workers to be members of the trade unions.

70. Minimum Wage

All project workers shall be paid a wage that is above or equal to the minimum wage as established by the GoM. Wages will be paid on a weekly, bi-weekly or monthly basis. Each employee is entitled to a statement accompanying pay that itemized the following: “(a) the employee’s gross wages due at the end of that pay period; (b) the amount of every deduction from his or her wages during that pay period and the purpose for which each deduction was made; and (c) the employee’s net wages payable at the end of that pay period.”

71. In accordance with article 108 of the 2007 Labor Law, minimum wage is set by the government in consultation with the Consultative Commission on Employment. The minimum wages are revised each year in April. The minimum wage in Mozambique is set differently for eleven (11) different sectors.

72. Hours of Work

Project employees are prohibited from working more than 9 hours per day inclusive of lunch and rest periods. Among other international labor organization conventions, Mozambique has ratified the Hours of Work (Industry) Convention (1) and the Weekly Rest (Industry) Convention (14). Accordingly, the Labor Law provides that normal working hours cannot exceed eight hours per day and 48 hours per week. The maximum number of hours that an employee works per day may be increased to nine hours if the employer grants him or her an additional half day’s rest per week. The ordinary working days being Mondays to Saturdays.

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73. Collective bargaining agreements

Collective employment regulation instruments may be negotiated (collective bargaining agreement, accession agreement and voluntary arbitration decision) or not negotiated (compulsory arbitration decision). Collective bargaining agreements may be made by company agreement (signed by a trade union association and a single employer for one company), collective bargaining agreement signed by a trade union association and several employers for various companies or signed between trade union associations and employers' associations.

74. Compliance with the minimum wage rates as well as other Labor Law provisions is ensured by the Labor Inspectorate. The Labor Inspectorate monitors the legality of labor matters and has the power to supervise compliance by employers and employees with their duties. In the event of violation of minimum wage related provisions, employers can be fined up to 10 times the applicable minimum wage per worker victim of the violation. The trade unions and employers' associations can collaborate with the Labor Inspectorate, under the terms of the law, in monitoring the application of labor legislation and collective labor regulation instruments.

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8. AGE OF EMPLOYMENT

75. The Mozambican Republic law prohibits anyone under 18 years of age from performing employment and there are special requirements for leave, work hours, and other conditions of employment. Employer will ensure that no construction workers under 18 years are employed.
76. Contractors will be required to verify and identify the age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record. 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.

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9. GRIEVANCE REDRESS MECHANISM

77. In any working environment it is essential for both employers and employees to be fully conversant with all aspects of disciplinary processes, the grievance handling procedures and the legal requirements and rights involved. In implementing an effective dispute management system consideration must be given to the disputes resulting from the following:

1. Disciplinary action
2. Individual grievances
3. Collective grievances and negotiation of collective grievances
4. Gender-based violence, sexual exploitation and workplace sexual harassment

78. Disciplinary Procedure

The starting point for all disciplinary action is rules. These rules may be implied or explicit and will vary from workplace to workplace. Some rules are implied in the contract of employment (e.g., rule against stealing from the employer), however it is advisable that even implied rules be included in the disciplinary code or schedule of offences. In an organized workplace these rules ideally are negotiated with the trade union and are often included in the Recognition Agreements signed by the employer and trade union. These workplace rules must be:

- a. Valid or reasonable;
- b. Clear and unambiguous;
- c. The employee is aware, or could reasonably be aware of the rule or standard; and
- d. The procedure to be applied in the event the employee contravenes any of these rules.

79. ANE will establish a fair and effective disciplinary procedure in the workplace, as follows: -

- a. Conduct an investigation to determine whether there are grounds for a hearing to be heard;
- b. If a hearing is to be held, the employer is to notify the employee of the allegations using a form and language that the employee can understand;
- c. The employee is to be given reasonable time to prepare for the hearing and to be represented by a fellow employee or a union representative;
- d. The employee must be given an opportunity to respond to the allegations, question the witnesses of the employer and to lead witnesses;
- e. If an employee fails to attend the hearing the employer may proceed with the hearing in the absence of the employee;

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- f. The hearing must be held and concluded within a reasonable time and is to be chaired by an impartial representative.
80. If an employee is dismissed, s/he must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal. Therefore, it is incumbent upon the Contractors to ensure that they have a disciplinary procedure, Code and standards which the employees are aware of. Each contractor will be required to produce this procedure to ensure that employees are not treated unfairly.
81. **Collective Grievances and Disputes resulting from the negotiations of Collective agreements**

Where a trade union is recognized, it is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace and the employer is obliged to negotiate with it. The procedure followed in such instances is usually contained in the agreement, which state how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation and the procedure to deal with issues that are not resolved through consensus. In the type of disputes, if the dispute is not resolved at the workplace, the parties to the dispute can utilize the dispute resolutions mechanisms provided for in the labor legislation.
82. **Gender-based Violence, Sexual Exploitation and Workplace Sexual Harassment**

PIU will, with support from consultants, identify institutions and service providers who are actively engaged in prevention of gender-based violence, sexual exploitation and workplace sexual harassment in order to establish a manual for supporting any potential survivors. The PIU and the contractor are not equipped to provide relevant services to survivors, but will refer any person to relevant service providers, including health facilities, law enforcement's gender unit or others, as relevant using the information on available services. Grievances related to gender-based violence must be reported through the project/contractor. The nature of the complaint will be recorded along with the age of the complainant and relation to the project will be recorded but the issue will be referred to relevant institutions.
83. **Grievance Redress Procedures**

Every employer, including contractors, should have a Formal Grievance Procedure which should be known and explained to the employees. such procedure should at least:

 - a. Specify to whom the employee should lodge the grievance;

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- b. Refer to time frames in the Labor Management Plan to allow the grievance to be dealt with expeditiously;
 - c. Allow the person to refer the grievance to a more senior level within the organization, if it is not resolved at the lowest level;
 - d. If a grievance is not resolved the employee has the right to lodge a dispute with the PIU.
84. All the contractors who will be engaged for the project will be required to produce their grievance procedure as a requirement for tender which at a minimum should comply with these requirements. In addition, good international practice recommends that the procedures be transparent, is confidential, adheres to non-retribution practices and includes right to representation. After they are engaged, they will be required to produce proof that each employee has been inducted and signed that they have been inducted on the procedure.
85. A grievance mechanism (GRM) will be provided for all direct workers and contracted workers to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use.
86. The project will establish a step-by-step GM procedure for the Project workers consistent with the ESS2 and describe them in the Project Operations Manual (POM). Essentially, it will be at different levels. The Project workers' grievance mechanism will not prevent workers to use judicial procedure.
87. Grievance procedures should be tailored to meet the needs of the project, culture and workforce composition. The Grievance procedures may be included in collective agreements. A clause in a contractor-level collective agreement that establishes a mechanism for individual employees to bring an employment-related grievance, potentially through their trade union and/ or with trade union assistance, will be sufficient to meet ESS2.
88. The Grievance Redress Mechanism (GRM) will be accessible to all employees through various means (written, telephone, fax, social media etc.). A Grievance register will be maintained at the PIU.

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9.1. Direct workers' GRM structure

89. To mitigate the risks related to direct workers a GRM for Direct Workers will be established.

9.2. GRM structure for ANE

90. **First level.** The Project Coordinator / Human Resources Unit of ANE (ANE HR) depending on nature of the issue raised will be responsible to receive, consider and address in a timely manner the grievances, including the concerns on unaccounted working hours and lack of compensation for overtime, delay in / non-payment of salaries. If the issue cannot be resolved at first level within 7 working days, then it will be referred to the next level.

91. **Second level.** A GRM Committee will be set up to receive, consider and address grievances for direct workers. The Committee will have a high level ANE official, a representative from direct workers and another staff member. If there is a situation in which there is no response from the GRM Committee or if the response is not satisfactory then complainants and feedback providers have the option to appeal directly to the Director of ANE to follow up on the issue. The complaints should be considered, and feedback provided within next 7 working days.

9.3. Contracted worker's GM structure

92. **Contractor's level.** The Contractor should develop their own GRM to resolve the grievances of contracted workers. A Grievance Focal Point (GFP) assigned by the Contractor will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances.

93. If the complaint cannot be resolved at contractor GFP level within 7 working days, it will be referred to independent staff (a representative at Senior Management level) of the contractor (who shall not be a direct supervisor of the complainant). Contractors will be expected to outline a labor GRM in detail in their C-ESMPs.

94. **Local level.** The Social Specialist of ANE, PIU provincial level will serve as Grievance Focal Point (GFP) to file the grievances and appeals of the project workers. He / She will be responsible to coordinate with relevant departments / organization and persons to facilitate addressing these grievances. If the issue cannot be resolved at the PIU level within 7 working days, then it will be referred to the Agency level.

95. **Central level.** If there is a situation in which there is no response from the ANE PIU Local

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level, or if the response is not satisfactory, then complainants and feedback providers have the option to contact the Focal Person in ANE Central Office directly to follow up on the issue.

9.4. World Bank Grievance Redress System

96. Project workers 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 the project's labor related issues. Project workers 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.

Information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), can be found at: <http://www.worldbank.org/en/projectsoperations/products-and-services/grievance-redress-service>

Information on how to submit complaints to the World Bank Inspection Panel can be found at www.inspectionpanel.org.

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10. CONTRACTOR MANAGEMENT

97. Construction and other contracts will include provisions related to labor and occupational health and safety as provided in the World Bank Standard Procurement Documents and Mozambican Legislation.
98. Contractors' labor management records and reports that may be reviewed would include:
- a) representative samples of employment contracts or arrangements between third parties and contracted workers;
 - b) records relating to grievances received and their resolution; reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions;
 - c) records relating to incidents of non-compliance with national law; and
 - d) records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.
99. The application of Contractor management will be proportionate to the activities and to the size of the contract, in a manner acceptable to PIU and the World Bank:
- a. **Labor conditions:** records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements;
 - b. **Safety:** recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (e.g., revised job safety analysis, new or different equipment, skills training, etc.).
 - c. **Workers:** number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child labor is involved, and skill level (unskilled, skilled, supervisory, professional, management).
 - d. Training/ induction: dates, number of trainees, and topics.
 - e. Details of any security risks: details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project.
 - f. Worker grievances: details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken - grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.
100. The Project's oversight of contractors is set out in this section. The following procedures

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should be put in place:

1. Ensure that Contractors have valid contracts with clearly define service level agreement in accordance with the national law and all environmental and social clauses, as applicable: PIU and reviewed by ANE
2. Contractor induction to ANE standards and LMP: PIU, attended by other key stakeholders such as MTC officials
3. Monthly submission of records: Contractor submission to PIU,
4. Monthly site visits (at a minimum) and reports: PIU, and other Officers
5. Evaluation of contractor requirements. This includes training, OH&S files, certifications etc.

The Third-Party Monitoring Agent will conduct a six-monthly audit of labor and working conditions and submit reports. Other audits for specific purposes may be arranged as deemed fit by ANE and the PIUs.

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11. PRIMARY SUPPLY WORKERS

101. Primary suppliers are suppliers who, on an ongoing basis, will provide goods or materials directly to the Project. The project will require procurement of a substantial amount of materials such as sand, stones, quarry stone, gravel, and others. The number of primary suppliers will be determined at the implementation stage of civil works. These primary suppliers will be required to comply with the requirements of the LMP.
102. The risk associated with primary supply in relation to the Project is assessed under the Code of Conduct in Annex 1. 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, and workmen's compensation.
103. A separate form requires that the primary supplier identify the company's permanent staff and declare any current or prior arbitrations as well as any criminal convictions. Registered suppliers are subject to regular review. The review is carried out twice annually and requires an Officer to visit the supplier's premises. The supplier evaluation form provides for reporting of any labor irregularity, if observed. The PIU will ensure that any primary supplier to the project report fatalities or serious injury and informs government authorities in accordance with national reporting requirements.
104. **Child labor, forced labor and GBV:** Where a significant risk of child labor, forced labor, GBV or serious safety issues in relation to primary suppliers has been identified, monitoring and reporting on primary supply workers will be undertaken by ANE and the Contractor to check that child labor, forced labor and GBV procedures have been adequately implemented. The Owner's Engineer will also monitor and report monthly whilst the Third Party Monitoring Agency will audit and report on a six monthly basis. The labor law also provides for penal and administrative penalties in case of non-compliance with its provisions. In case of occurrence, the sanctions provided by labor law especially articles 267 and 268 will be applied.

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ANNEXES

Annex 1: Codes of Conduct

Labor Management Procedures

Preamble

This Code of Conduct defines labor standards that aim to achieve decent and humane working conditions. The Code's standards are based on national law and accepted good labor practices. Organizations and institutions affiliated with the SRSEI are expected to comply with all relevant and applicable laws and regulations of the country in which workers are employed and to implement the Workplace Code in their respective places of work. When differences or conflicts in standards arise, affiliated institutions are expected to apply the highest standard.

ANE monitors compliance with the Workplace Code by carefully examining adherence to the Compliance Benchmarks and the Principles of Monitoring. The Compliance Benchmarks identify specific requirements for meeting each Code standard, while the Principles of Monitoring guide the assessment of compliance. ANE expects affiliated institutions to make improvements when Code standards are not met and to develop sustainable mechanisms to ensure ongoing compliance.

Under SRSEI, ANE provides a model of collaboration, accountability, and transparency and serves as a catalyst for positive change in workplace conditions. As an organization that promotes continuous improvement, the project will strive to be a global model in establishing best practices for respectful and ethical treatment of workers, and in promoting sustainable conditions through which workers earn fair wages in safe and healthy workplaces.

Employment Relationship

Employers shall adopt and adhere to rules and conditions of employment that respect workers and, at a minimum, safeguard their rights under national and international labor and social security laws and regulations.

Non-discrimination

No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.

Harassment or Abuse

Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.

Forced Labor

There shall be no use of forced labor, including bonded labor or other forms of forced labor.

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Child Labor

No person under the age of 18 shall be employed into construction work.

Freedom of Association and Collective Bargaining

Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.

Health, Safety and Environment

Employers shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt responsible measures to mitigate negative impacts that the workplace has on the environment.

Hours of Work

Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country. The regular work week shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest in every seven-day period. All overtime work shall be consensual.

The maximum number of hours that an employee works per day may be increased to nine hours if the employer grants him or her an additional half day's rest per week. The ordinary working days being Mondays to Saturdays. Under collective labor regulation instruments, normal daily working hours may be increased in exceptional cases by up to a maximum of four hours, provided the weekly working time shall not exceed fifty-six hours.

Compensation

Every worker has a right to compensation for a regular work week that is sufficient to meet the worker's basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers' basic needs and provide some discretionary income, each employer shall work with ANE to take appropriate actions that seek to progressively realize a level of compensation that does address the issue at hand.

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Annex 1.1: Company Code of Conduct

Preventing Gender Based Violence and Violence Against Children

The company is committed to ensuring that the project is implemented in such a way which minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the environmental, social, health and safety (ESHS) standards, and ensuring appropriate occupational health and safety (OHS) standards are met. The company is also committed to creating and maintaining an environment in which gender-based violence (GBV) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, sub-Contractors, supplier, associate, or representative of the company.

Therefore, to ensure that all those engaged in the project are aware of this commitment, the company commits to the following core principles and minimum standards of behaviour that will apply to all company employees, associates, and representatives, including sub-Contractors and suppliers, without exception:

General

1. The company—and therefore all employees, associates, representatives, sub-Contractors and suppliers—commits to complying with all relevant national laws, rules and regulations.
2. The company commits to full implementing its 'Contractors Environmental and Social Management Plan' (CESMP).
3. The company commits to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
4. The company shall ensure that interactions with local community members are done with respect and non-discrimination.
5. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behaviour are prohibited among all company employees, associates, and its representatives, including sub-Contractors and suppliers.
6. The company will follow all reasonable work instructions (including regarding environmental and social norms).
7. The company will protect and ensure proper use of property (for example, to prohibit theft, carelessness, or waste).

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Health and Safety

8. The company will ensure that the project's occupational health and safety (OHS) Management Plan is effectively implemented by company staff, as well as sub-Contractors and suppliers.
9. The company will ensure that all those on-site wear prescribed and appropriate personal protective equipment, preventing avoidable accidents and reporting conditions or practices that pose a safety hazard or threaten the environment.
10. The company will:
 - i. prohibit the use of alcohol during work activities.
 - ii. prohibit the use of narcotics or other substances which can impair faculties at all times.
11. The company will ensure that adequate sanitation facilities are available on site and at any worker accommodations provided to those working on the project.

Gender Based Violence and Violence Against Children

12. Acts of GBV or VAC constitute gross misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment, and if appropriate referral to the Police for further action.
13. All forms of GBV and VAC, including grooming are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or within the local community.
 - i. Sexual Harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behaviour, is prohibited.
 - ii. Sexual favors—for instance, making promises or favourable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behaviour are prohibited.
14. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defence. Consent from the child is also not a defence or excuse.
15. Unless there is full consent¹ by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities

¹ **Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World

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- surrounding the workplace are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
16. In addition to company sanctions, legal prosecution of those who commit acts of GBV, or VAC will be pursued if appropriate.
 17. All employees, including volunteers and sub-Contractors are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with project’s GBV and VAC Allegation Procedures.
 18. Managers are required to report and take action of suspected or actual acts of GBV and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.

Implementation

To ensure that the above principles are implemented effectively the company commits to ensuring that:

19. All managers sign the project’s ‘Manager’s Code of Conduct’ detailing their responsibilities for implementing the company’s commitments and enforcing the responsibilities in the ‘Individual Code of Conduct’.
20. All employees sign the project’s ‘Individual Code of Conduct’ confirming their agreement to comply with ESHS and OHS standards, and not to engage in activities resulting in GBV or VAC.
21. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers’ camps, offices, and in in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
22. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
23. An appropriate person is nominated as the company’s ‘Focal Point’ for addressing GBV and VAC issues, including representing the company on the GBV and VAC Compliance Team (GCCT) which is comprised of representatives from the client, Contractor(s), the supervision consultant, and local service provider(s).

Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.

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24. Ensuring that an effective GBV and VAC Action Plan is developed in consultation with the GCCT which includes as a minimum:
 - i. **GBV and VAC Allegation Procedure** to report GBV and VAC issues through the project Grievance Redress Mechanism;
 - ii. **Accountability Measures** to protect confidentiality of all involved; and,
 - iii. **Response Protocol** applicable to GBV and VAC survivors and perpetrators.
25. That the company effectively implements the agreed final GBV and VAC Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
26. All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments to ESHS and OHS standards, and the project's GBV and VAC Codes of Conduct.
27. All employees attend a mandatory training course once a month for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's ESHS and OHS standards and the GBV and VAC Code of Conduct.

I do hereby acknowledge that I have read the foregoing Company Code of Conduct, and on behalf of the company agree to comply with the standards contained therein. I understand my role and responsibilities to support the project's OHS and ESHS standards, and to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Company Code of Conduct or failure to take action mandated by this Company Code of Conduct may result in disciplinary action.

Company name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

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Annex 1.2: Manager’s Code of Conduct

Preventing Gender Based Violence and Violence Against Children

Managers at all levels have a responsibility to uphold the company’s commitment to implementing the ESHS and OHS standards, and preventing and addressing GBV and VAC. This means that managers have an acute responsibility to create and maintain an environment that respects these standards and prevents GBV and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere to this Manager’s Code of Conduct and also sign the Individual Code of Conduct. This commits them to supporting the implementation of the CESMP and the OHS Management Plan and developing systems that facilitate the implementation of the GBV and VAC Action Plan. They need to maintain a safe workplace, as well as a GBV-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

Implementation

1. To ensure maximum effectiveness of the Company and Individual Codes of Conduct:
 - i. Prominently displaying the Company and Individual Codes of Conduct in clear view at workers’ camps, offices, and in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
 - ii. Ensuring all posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
2. Verbally and in writing explain the Company and Individual Codes of Conduct to all staff.
3. Ensure that:
 - i. All direct workers sign the ‘Individual Code of Conduct’, including acknowledgment that they have read and agree with the Code of Conduct.
 - ii. Staff lists and signed copies of the Individual Code of Conduct are provided to the OHS Manager, the GCCT, and the Client.
 - iii. Participate in training and ensure that staff also participate as outlined below.
 - iv. Put in place a mechanism for staff to:
 - report concerns on ESHS or OHS compliance; and,
 - confidentially report GBV or VAC incidents through the Grievance Redress Mechanism (GRM)

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- v. Staff are encouraged to report suspected or actual ESHS, OHS, GBV or VAC issues, emphasizing the staff's responsibility to the Company and the country hosting their employment, and emphasizing the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed. Use background and criminal reference checks for all employees.
5. Ensure that when engaging in partnership, sub-Contractor, supplier or similar agreements, these agreements:
 - i. Incorporate the ESHS, OHS, GBV and VAC Codes of Conduct as an attachment.
 - ii. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
 - iii. Expressly state that the failure of those entities or individuals, as appropriate, to ensure compliance with the ESHS and OHS standards, take preventive measures against GBV and VAC, to investigate allegations thereof, or to take corrective actions when GBV or VAC has occurred, shall not only constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct but also termination of agreements to work on or supply the project.
6. Provide support and resources to the GCCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the GBV and VAC Action Plan.
7. Ensure that any GBV or VAC issue warranting Police action is reported to the Police, the Client, and the World Bank immediately.
8. Report and act according to the response protocol (Section 4.7 Response Protocol) any suspected or actual acts of GBV and / or VAC as managers have a responsibility to uphold company commitments and hold their direct reports responsible.
9. Ensure that any major ESHS or OHS incidents are reported to the client and the supervision engineer immediately.

Training

10. The managers are responsible to:

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- i. Ensure that the OHS Management Plan is implemented, with suitable training required for all staff, including sub-Contractors and suppliers; and,
 - ii. Ensure that staff have a suitable understanding of the CESMP and are trained as appropriate to implement the CESMP requirements.
11. All managers are required to attend an induction manager training course prior to commencing work on site to ensure that they are familiar with their roles and responsibilities in upholding the GBV and VAC elements of these Codes of Conduct. This training will be separate from the induction training course required of all employees and will provide managers with the necessary understanding and technical support needed to begin to develop the GBV and VAC Action Plan for addressing GBV and VAC issues.
12. Managers are required to attend and assist with the project facilitated monthly training courses for all employees. Managers will be required to introduce the trainings and announce the self-evaluations, including collecting satisfaction surveys to evaluate training experiences and provide advice on improving the effectiveness of training.
13. Ensure that time is provided during work hours and that staff prior to commencing work on site attend the mandatory project facilitated induction training on:
 - i. OHS and ESHS; and,
 - ii. GBV and VAC required of all employees.
14. During civil works, ensure that staff attend ongoing OHS and ESHS training, as well as the monthly mandatory refresher training course required of all employees to combat increased risk of GBV and VAC.

Response

15. Managers will be required to take appropriate actions to address any ESHS or OHS incidents.
16. With regard to GBV and VAC:
 - i. Provide input to the GBV and VAC Allegation Procedures (Section 4.2 Action Plan) and Response Protocol (Section 4.7 Action Plan) developed by the GCCT as part of the final cleared GBV and VAC Action Plan.
 - ii. Once adopted by the Company, managers will uphold the Accountability Measures (Section 4.4 Action Plan) set forth in the GBV and VAC Action Plan to maintain the

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- confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV and VAC (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).
- iii. If a manager develops concerns or suspicions regarding any form of GBV or VAC by one of his/her direct reports, or by an employee working for another Contractor on the same work site, s/he is required to report the case using the GRM.
 - iv. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made
 - v. If a manager has a conflict of interest due to personal or familial relationships with the survivor and/or perpetrator, he/she must notify the respective company and the GCCT. The Company will be required to appoint another manager without a conflict of interest to respond to complaints.
 - vi. Ensure that any GBV or VAC issue warranting Police action is reported to the Police, the client and the World Bank immediately.
17. Managers failing address ESHS or OHS incidents or failing to report or comply with the GBV and VAC provisions may be subject to disciplinary measures, to be determined and enacted by the company's CEO, Managing Director or equivalent highest-ranking manager. Those measures may include:
- i. Informal warning.
 - ii. Formal warning.
 - iii. Additional Training.
 - iv. Loss of up to one week's salary.
 - v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
 - vi. Termination of employment.
18. Ultimately, failure to effectively respond to ESHS, OHS, GBV and VAC cases on the work site by the company's managers or CEO may provide grounds for legal actions by authorities.

I do hereby acknowledge that I have read the foregoing Manager's Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC requirements. I understand that any action

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inconsistent with this Manager's Code of Conduct or failure to take action mandated by this Manager's Code of Conduct may result in disciplinary action.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

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Annex 1.3: Individual Code of Conduct

Preventing Gender Based Violence and Violence Against Children

I, _____, acknowledge that adhering to environmental, social health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important.

The company considers that failure to follow ESHS and OHS standards, or to partake in GBV or VAC activities - be it on the work site, the work site surroundings, at workers' camps, or the surrounding communities - constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution by the Police of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

1. Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.
2. Will wear my personal protective equipment (PPE) at all times when at the work site or engaged in project related activities.
3. Take all practical steps to implement the Contractor's environmental and social management plan (CESMP).
4. Implement the OHS Management Plan.
5. Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances which can impair faculties at all times.
6. Consent to Police background check.
7. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
8. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
9. Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior (e.g. looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life; etc.).

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10. Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
11. Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
12. Unless there is the full consent² by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
13. Consider reporting through the GRM or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

14. Wherever possible, ensure that another adult is present when working in the proximity of children.
15. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
16. Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography (see also “Use of children's images for work related purposes” below).
17. Refrain from physical punishment or discipline of children.
18. Refrain from hiring children for domestic or other labor below the minimum age of 14 unless national law specifies a higher age, or which places them at significant risk of injury.
19. Comply with all relevant local legislation, including labor laws in relation to child labor and World Bank’s safeguard policies on child labor and minimum age.
20. Take appropriate caution when photographing or filming children (See Annex 2 for details).

² **Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.

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Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

21. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
22. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
23. Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
24. Ensure images are honest representations of the context and the facts.
25. Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

1. Informal warning.
2. Formal warning.
3. Additional Training.
4. Loss of up to one week's salary.
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
6. Termination of employment.
7. Report to the Police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I will adhere to the occupational health and safety management plan. That I will avoid actions or behaviours that could be construed as GBV or VAC. Any such actions will be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC issues.

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I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Annex 2: Guideline for undertaking Due Diligence for Social and Environmental Mitigation Measures in Contracts

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Guideline for undertaking Due Diligence for Social and Environmental Mitigation Measures in Contracts

Stage of Contractual Process	Due Diligence
Before bidding	<ul style="list-style-type: none"> • Ensure that the terms of reference clearly define the supervision engineer’s responsibilities regarding oversight of, and reporting on, labor influx and workers’ camps. For high-risk projects, have independent safeguards supervision. • Ensure the team skills in the terms of reference clearly include key staff qualified and experienced in managing similar projects, and demonstrated capacity to manage social and environmental issues, including issues pertaining to community health and safety. • Ensure that the project GRM is established, and its use is widely publicized.
Preparation of bidding documents	<p>Review contract conditions included in bidding documents to:</p> <ul style="list-style-type: none"> • Ensure that the relevant mitigation measures in the ESMP are reflected and budgeted in the contract, • Ensure the ESMP forms part of and is explicitly referred to in the bidding documents. • Identify relevant provisions (workers, camps, child and forced labor, safety, grievance redress, etc.) regulating the contractor’s responsibility and identify any gaps, inconsistencies or areas of concern that could be addressed through additional provisions in the “particular conditions of contract” and/or technical specifications • Include a requirement that all workers sign ‘Codes of Conduct’ governing behavior, and identifying sanctions • Clearly identify that training programs on implementing the Codes of Conduct, etc. will be undertaken by external providers • Ensure the contract conditions clearly specify what type of penalty the contractor will face if the provisions of the ESMP and CESMP are not adhered to—including by sub- contractors. This may include direct incentives to contractors in the form of penalties for poor performance on social and environmental matters or specific Performance Securities for ESMP and CESMP compliance. • Ensure bidding documents make clear the responsibilities of the contractor to prepare and adhere to a CESMP based on the ESMP and that no civil works will commence until the CESMP

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Stage of Contractual Process	Due Diligence
	<p>has been approved by the supervision engineer.</p> <ul style="list-style-type: none"> • Ensure the bidding documents detail how the contractor and supervision engineer will be required to monitor and report on the impacts on the local community, issues related to labor influx and workers' camps. • Propose Key Performance Indicators (KPIs) for Contract Management, reflecting issues and risks specific to the contract and the monitoring plan.
Bidding evaluation	<ul style="list-style-type: none"> • Review the Borrower's bid evaluation report and request to review the bids where appropriate, to verify for the recommended bidder that documents related to the ESMP, safeguard implementation capacity, and other obligations of the contractor required to be submitted with the bid are sufficiently detailed and cover the contractual requirements. • Require the contractor's representative or dedicated community liaison staff to have the ability to communicate in the language of the Borrower and/or the local language. • Verify that the contract management framework identifies clearly lines of communication and that these are formalized, and a consistent record is provided. • Ensure that the contractor meets the project's OHS requirements for capability and experience.
After contract signing	<ul style="list-style-type: none"> • Prior to commencing works, the contractor submits site- specific CESMP(s) based on the ESMP, which includes specific management plans for: <ul style="list-style-type: none"> (i) work activities; (ii) traffic management; (iii) occupational health and safety; (iv) environmental management; (v) social management; and (vi) labor influx. • Supervision engineer reviews and approves the CESMP - with inputs from appropriate Government agencies - before any works start. For high-risk projects, the Bank should also review and clear the C-ESMP. Borrower should disclose the approved CESMP.