



Government of the People's Republic of Bangladesh

**BBIN REGIONAL TRANSPORT AND
TRADE FACILITATION PROGRAM – BANGLADESH PHASE 1**

**AS PART OF A
MULTIPHASE PROGRAMMATIC APPROACH (MPA)**

- Bangladesh Land Port Authority (BLPA)
- National Board of Revenue (NBR)
- Ministry of Commerce (MoC) and
- Road and Highway Department (RHD)

**(Draft)
Labor Management Procedure
(LMP)**

March 2022

Executive Summary

The Labor Management Procedure (LMP) has been prepared for the BBIN Regional Transport and Trade Facilitation Program - Phase 1 by the Bangladesh Land Port Authority (BLPA), National Board of Revenue (NBR), Ministry of Commerce (MoC), and Roads and Highways Department (RHD). The development objective of this project is to augment trade-enabling infrastructure, technology, and processes to improve the conditions for regional transport and trade in Bangladesh. The Project is expected to be financed by the International Development Association (IDA) of the World Bank. Therefore, the design and implementation of the Project activities apply the national legal framework and the World Bank Environmental and Social Framework (ESF), and the Environmental and Social Standards (ESSs).

The LMP has been prepared to meet the objectives and requirements of the World Bank Environmental and Social Framework (ESF) and its Environmental and Social Standard (ESS) on labor and working conditions and the national Labor Laws of Bangladesh. Bangladesh Labor Act does not explicitly require that development projects be assessed and reviewed regarding labor and working conditions, including OHS requirements, before approval. However, according to the ESF of The World Bank, it is mandatory to prepare Labour Management Plans/Procedure or OHS Plan to mitigate the risk associated with laborers and related issues. The LMP assesses the potential risks and impacts of labor assignment for implementing the project activities by the Implementing Agencies (IAs) and addresses them through mitigation measures in line with ESSs and Bangladesh Labor policies and provisions.

Various types of workers (Direct and Contracted), their estimated numbers, characteristics, etc., as well as key potential environmental and social risks—such as unscrupulous labor practices, Occupational Health and Safety (OHS) issues, community risks, exclusion of the disadvantaged and the vulnerable from project benefit and engagement, exploitation of a child/ forced/trafficked labor/beneficiaries as well potential health and safety issues while working under COVID-19 pandemic situation, have been assessed and presented in this LMP. Given the size of the project, the potential Environmental and Social (ES) risks and impacts, the capacity of the implementing agencies to manage and mitigate the ES risks, and the context under which the project is being implemented, the ES assessment has determined the overall ES risk to be ‘High’ for this project- where the environment is ‘substantial’ and the social is ‘high’. Provisions of ESSs, Labor Act 2006 (including Amendments of 2013 and 2018), National Child Labor Elimination Policy 2010. Governmental and WHO guidelines for COVID-19 etc., have been thoroughly studied and cited to meet their requirement and obligations. Major points of consideration that include Conditions of Employment, OHS, and Child/Forced Labor etc. have also been referred to as guidelines.

In order to strengthen the existing institutional capacity of the IAs for environmental and social management, the Project will develop and implement systems and measures. Each of these Project Implementing Units (PIUs) will include a Social, Environmental and Communication Cell headed by a Deputy Director which will be staffed by qualified specialists (consultants). Specifically for LMP, prior to construction, each PIU will appoint permanent Occupational, Health and Safety specialists as required for overseeing the sub-project activities, who will be responsible for overseeing the proper implementation of the LMP and environmental and social mitigation measures during operation and maintenance period.

Following an assessment that was carried out using the Bank's SEA/SH risk assessment tool for projects with major civil works and in line with the associated Good Practice Note (GPN), and findings from the ESIA and reflects the combined effect of labor influx in the project sites/areas. Most of the unskilled and semi-skilled labor are expected to be recruited from the neighboring areas with only the skilled and some semi-skilled labor sourced from outside for both BLPA and RHD. Risks from labor influx in multiple project areas along the regional corridors exist. BLPA is currently implementing a retrofitted SEA/SH Action Plan as part of the ongoing BRCP-1. The implementation of this plan underpins the experience of the BLPA to anticipate and manage similar risks in other project environments including the sites proposed under this project. Similarly, RHD is also implementing a standalone SEA/SH Plan as part of its ongoing WeCARE MPA Program. The project sites by NBR are in Chattogram, the second largest city in Bangladesh while the other sites are also located in peri-urban or urban areas. Overall, no significant labor influx is thus anticipated under the NBR project. Skills development activities and cross border trade facilitation have been proposed as part of the project and to build skills and employability of women. Design of such gender action will embed SEA/SH prevention and response activities.

A Grievance Redress Mechanism (GRM) for workers has been developed with this LMP so that any potential dissatisfaction or concern can be raised by anyone employed by the IAs, their PIUs, consultants, and contractors. The GRM would be SEA/SH compliant with specific protocols for handling grievances on SEA/SH with referral to service providers. The project design includes a *Code of Conduct* for the project workers' in support with institutional capacity building of the IAs on SEA/SH risk management, raising awareness on SEA/SH among the beneficiary communities, stakeholders and IAs and, through the SEA/SH Action Plan.

This LMP has been prepared to ensure proper working conditions and management of worker relationships, occupational health and safety, and to address Project-related issues associated with workforce-related sexual exploitation and abuse and sexual harassment (SEA/SH). This is a *live document*, hence can be updated to meet the project's demands, and is just one of several environmental and social (E&S) instruments developed to support the E&S management aspects of the Project. Other E&S documents, i.e.; SEP, RPF, ESMF, ESIA etc.; including this LMP will be disclosed in IAs' and WB's websites before project's appraisal.

Abbreviations and Acronyms

BLPA	Bangladesh Land Port Authority
DoE	Department of Environment
ECA	Environment Conservation Act
ECR	Environment Conservation Rules
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environment and Social Standards
GBV	Gender-Based Violence
GoB	Government of Bangladesh
Goi	Government of India
GRID	Green, Resilient, and Inclusive Development
GRM	Grievance Redress Mechanism
JV	Joint Venture
LMP	Labour Management Procedures
MPA	Multiphase Programmatic Approach
MoC	Ministry of Commerce
NBR	National Board of Revenue
NTFC	National Trade Facilitation Committee
O&M	Operation and Maintenance
OHS	Occupational Health Safety
PCC	Project Coordination Committee
PSC	Project Steering Committee
RAP	Resettlement Action Plan
RHD	Roads and Highway Department
SASEC	South Asia Sub-Regional Economic Cooperation
SEC	Small Ethnic Communities
SEF	Stakeholder Engagement Framework
SEP	Stakeholder Engagement Plan
SHE	Safety, Health, and Environmental
SIA	Social Impact Assessment
WB	The World Bank

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INTRODUCTION

The Government of Bangladesh (GoB) has participated in the BBIN Regional Transport and Trade Facilitation Program – Bangladesh Phase 1 to augment trade-enabling infrastructure, technology, and processes to improve Bangladesh's regional transport and trade conditions. The overarching vision of the project is to support GoB in establishing a functional and empowered institutional structure, capable of formulating and implementing the envisioned long-term program to facilitate trade and related outcomes in the country. The project will be implemented by the Bangladesh Land Port Authority (BLPA), Bangladesh Ministry of Commerce - WTO cell, Bangladesh National Board of Revenue (NBR), and Roads and Highways Department (RHD). The Bangladesh Public Works Department (PWD) may play a role in civil works regarding the customs infrastructure under NBR. In that case, an MOU between NBR and PWD would govern the activities to be carried out by each agency for the infrastructure component. The GoB would establish (within three months of effectiveness) and maintain a Project Steering Committee (PSC). The PSC will be chaired by the Secretary, Ministry of Commerce, and will include the heads of agencies from BLPA, NBR, and RHD and meet at least every six months for; (i) providing strategic and policy direction on all project activities, (ii) reviewing progress in project implementation, and (iii) facilitating the coordination of project activities and addressing obstacles during project implementation. The PSC may be established as a sub-group under the National Trade Facilitation Committee (NTFC).

Background of the Project

The deepening relationship among Bangladesh, Bhutan, India, and Nepal (BBIN countries) suggests there is momentum to advance the regional transport and trade facilitation agenda. While intra-BBIN trade increased around six folds from 2005 to 2019, growth opportunities through regional trade remain largely untapped. The unexploited trade potential of the countries in the region is estimated at 93 percent for Bangladesh, 50 percent for India and 76 percent for Nepal.¹ Though the total trade cost mostly reflect the transportation cost, several factors account for the high cost of trade and transport. These include inadequate transport and trade infrastructure, cumbersome regulations and manual processes, protective tariffs and nontariff barriers, and a trust deficit throughout the region. In addition to that, the COVID-19 pandemic has highlighted the need to modernize trade facilitation. The unprecedented crisis posed by COVID-19 led to uncoordinated border closures, supply chain disruptions, weakened demand resulting in large contractions in trade. Also, trade in this region is paper heavy, calling for an immediate need for digitalization and automation adapted more effectively to social distancing and lockdown requirements.

The overarching vision of the project is to support GoB in establishing a functional and empowered institutional structure, capable of formulating and implementing the envisioned long-term program to facilitate trade and related outcomes in the country. In Bangladesh, the Phase 1 of the Program (Project) will have 4 components with the following implementing agencies -

COMPONENT 1: DIGITAL SYSTEMS FOR FACILITATING TRADE

- Subcomponent 1a: Automated border management system (ABMS) (US\$15 million, BLPA).
- Subcomponent 1b: Bangladesh Trade Portal enhancement (US\$2 million, MOC-WTO cell).

¹ United Nations. 2016. Unlocking the Potential of Regional Economic Cooperation and Integration in South Asia, United National Economic and Social Commission for Asia and the Pacific (UNESCAP). New Delhi.

COMPONENT 2: GREEN AND RESILIENT REGIONAL TRADE AND TRANSPORT INFRASTRUCTURE

- Subcomponent 2a: Resilient land port infrastructure (US\$250 million, BLPA).
- Subcomponent 2b: Green customs infrastructure (US\$170 million, NBR).
- Subcomponent 2c: Regional connectivity infrastructure (US\$261 million, RHD).

COMPONENT 3: INSTITUTIONAL AND POLICY STRENGTHENING FOR TRANSPORT AND TRADE

- Subcomponent 3a: Implementation of Trade Facilitation Agreement (MOC-WTO cell).
- Subcomponent 3b: Automated Policy Support Unit for trade policy analysis, statistics, and negotiations (MOC-WTO cell).
- Subcomponent 3c: Formulation and implementation of a National Tariff Policy (MOC-WTO cell).
- Subcomponent 3d: Training programs on trade facilitation for women traders and entrepreneurs (MOC-WTO cell).
- Subcomponent 3e: Technical assistance for customs modernization (NBR).
- Subcomponent 3f: Technical assistance to foster contemporary border management (BLPA).
- Subcomponent 3g: Technical assistance for enhanced regional transport connectivity (RHD).

COMPONENT 4: CONTINGENCY EMERGENCY RESPONSE (US\$0 MILLION)

Project Scope and Labor Influx

The proposed sub-projects will entail the employment of many laborers, especially during construction. Most labor will be locally hired, except for skilled workers who may not be found in the program areas. However, there are potential risks associated with engaging hired skilled and non-skilled workers, especially during construction, including health hazards, poor living conditions, accidental hazards risks, etc. Similarly, hiring labor from external areas may cause social risk to the local communities, including gender-based violence, spread of communicable diseases, price hiking of daily used products/foods, etc. This LMP assesses the potential risks and impacts of labor assignment for implementing the Project activities by the Implementing Agencies (IAs)— and addresses them through mitigation measures in line with ESSs and Bangladesh Labor policies and provisions and WB ESF ESS2.

This project is likely to have moderate labor influx, given that most of the project sites are in urban or peri-urban areas. The potential labor influx also is not expected to be significant with the unskilled and most of the semi-skilled labor to be sourced locally. Only the skilled and some semi-skilled labor will be recruited from outside. However, risks from labor influx in multiple project areas along the regional corridors exist. This Labor Management Procedure (LMP) has been prepared for the project meeting the Bangladesh Labor Act 2006 (including subsequent amendments), Bangladesh Labour Rules 2015 as well as the World Bank's Environmental and Social Framework (ESF), Environmental and Social Standard 2: Labor and Working Conditions (ESS2). The LMP has also considered applying nationally adopted health protocols to address the COVID-19 outbreak related to project workers in Bangladesh.

Specific Objectives of the LMP

This LMP has been developed to achieve the following specific objectives:

- To highlight and promote workplace safety and health.
- To promote fair treatment, non-discrimination, and equal opportunity for project workers irrespective of sex, race, or ethnic identity.

- To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, per the ESS2 of the World Bank ESF) and, contracted workers and primary supply workers, as applicable.
- To prevent the use of all forms of forced labor and child labor.
- To support the principles of freedom of association and collective bargaining of project workers consistent with national law.
- To provide project workers with accessible means to raise workplace grievances.
- To mitigate the risks of sexual exploitation and abuse and sexual harassment (sea/sh) in the workplace

Implementation of the Project will require direct workers, contracted workers, and primary supply workers for civil and construction works. The LMP covers protocol related to the direct workers, contracted workers, and primary supply workers to be involved with the Project. The respective PIUs will ensure that all the engaged contractors prepare Labor Management Plans for contracted works as part of their Contractor ESMPs (C-ESMPs) and in line with these LMPs. The approach will be assessed as part of the initial screening of E&S risks and subsequent site-specific environmental and social impact assessments (ESIAs). The potential sexual exploitation and abuse (SEA) and sexual harassment (SH) related risks are assessed to be moderate, but this will be revisited during implementation based on site specific ESIAs.

OVERVIEW OF LABOR USE ON THE PROJECT

The implementing agencies (IAs), through their respective Project Implementing Unit (PIU), will contract agencies/firms to undertake civil works and supply of equipment and tools under Component 1, 2, 3, and 4; and the PIU will engage individuals and consulting organizations to support core-functions under the Project. Government officials will also be deputed for the Project in the PIUs, and as well as relevant experts and other staff will be recruited from the market to manage the implementation of their respective works, supply, and training contracts.

List of Implementing Agencies and their Labor Use

The project will be implemented by the Bangladesh Land Port Authority (BLPA), Bangladesh Ministry of Commerce - WTO cell, Bangladesh National Board of Revenue (NBR), and the Roads and Highways Department (RHD).² Public Works Department (PWD) may have a role in the civil works of the customs infrastructure under NBR. An MOU between NBR and PWD would govern the activities to be carried out by each agency for the infrastructure component, which will also clarify the labor-related issues under ESS2 and relevant government laws.

Overall, NBR would be responsible for:

- (a) feasibility and detail design studies (FS/DD)
- (b) compliance with ESF requirements, whereas
- (c) PWD would be responsible for construction implementation and supervision.

The GoB would establish (within three months of effectiveness) and maintain a Project Steering Committee (PSC). The PSC will be chaired by the Secretary, Ministry of Commerce, and will include the heads of agencies

² BLPA will be the sole implementing agency for component 1a and 2a; NBR will be the sole implementing agency for component 2b; MOC-WTO cell will be the sole implementing agency for component 1a; RHD will be the sole implementing agency for component 2c. Component 3 will be jointly implemented by all project agencies.

from BLPA, NBR, and RHD and meet at least every six months for the purposes of, inter alia, (i) providing strategic and policy direction on all project activities, (ii) reviewing progress in project implementation, and (iii) facilitating the coordination of project activities and addressing obstacles during project implementation. The PCC may be established a sub-group under the National Trade Facilitation Committee (NTFC).

BLPA, NBR, MOC, and RHD will each establish and maintain Project Implementation Units (PIUs) which will:

- (i) be headed by a full-time Project Director;
- (ii) Be staffed with full-time technical experts and specialists in, among other things, procurement, financial management, environmental, health and safety, and social aspects, and monitoring and evaluation; and
- (iii) Be responsible for the day-to-day implementation of the project's respective parts, including preparing financial and Project reports and Annual Work Plans and Budgets. Each PIU will appoint a procurement specialist, an environmental specialist, and a social development/stakeholder engagement specialist within three months of credit effectiveness.

For the Contingent Emergency Response Component (CERC), GoB will prepare an “Emergency Response Operations Manual” (EROM) acceptable to the Bank, which will constitute a disbursement condition for the CERC. BLPA, NBR, PWD, MOC, and RHD are expected to be the implementing agencies for the CERC component unless the EROM specifies otherwise.

BLPA, NBR, PWD, MOC, and RHD will be responsible for monitoring project progress, outcomes, and result indicators. The progress and performance of the project will be monitored and evaluated semi-annually against the outcome and output indicators of the Results Framework. It will also include a qualitative assessment of project performance with respect to the quality of works, governance and transparency in procurement and contract management, compliance with the commitments related to fiduciary, environmental, and social management agreed upon (e.g., through the Environmental and Social Management Framework (ESMF) and Environmental and Social Commitment Plan, ESCP). The monitoring and evaluation strategy will include the timely conduct of studies and assessments to establish baseline data and progress data, where applicable, focusing on measuring impacts on poverty reduction, shared prosperity and gender equity.

Characteristic of Project Workers

The LMP applies to all Project workers, full-time, part-time, temporary, seasonal, or migrant workers, including contractors, sub-contractors, and primary suppliers. The PIUs will comprise government officials and professionals/consultants in their respective fields. The PIUs will employ contracted as well as direct workers. The Contractors’ workers will include unskilled, semi-skilled and skilled workers and as far as the characteristics of labor force in road infrastructure with enhanced road safety features, it is expected that both male and female workers will be engaged in the designated activities. Primary supply workers will be relevant where contractors continuously get construction inputs from contracted suppliers. It is also expected that women would be employed in technical (engineering, planning, and management) and manual jobs in the PIUs and other service staff for the Contractors. There will be provision to avoid the use or employment of child and forced labor in any level of the project. Characteristics of the project workers have been discussed hereunder.

Direct Workers³: People employed or engaged directly by the BLPA, NBR, RHD, PWD, and MoC; or the Project Implementing Units (PIUs) on their respective behalf to work specifically in relation to the Project. Direct workers will include the Project Manager/s and respective Supervisors, who are employees of respective IAs, deployed for the BBIN MPA program. The estimated number of direct workers will be decided as per existing institutional arrangements and practices of the respective IA.

Contracted Workers⁴: All workforce deployed by the Contractors and the Project Management Consultant (for all packages) will be considered contracted employees. The Contractor(s) may also hire multiple sub-contractors, and all employees of such sub-contractors will be considered contracted workers. Individual consultants with the PIU, people employed or engaged by consultant firms (PMC, ESA, LAR) and contractors to perform work related to core function, i.e., junctions/intersections improvement, renovation of road structures with safety features, accident spots identification, installations of road safety facilities and road furniture, improvement of trauma care facilities, studies and policy development, engineering design, environmental and social management, training and capacity building, awareness campaigns, volunteer training, and minor infrastructure works, of locations.

Primary Supply Workers⁵: There will be primary supply workers who provide aggregates and raw materials for the construction site. People employed or engaged by primary suppliers of the contractors who would continuously supply goods for the core function of the project. The project will review the involvement of primary supply workers based on contractors' methods of procuring construction inputs.

When primary supply workers are engaged, it must be ensured that no child and/or forced labor is involved, and OHS requirements for the laborers are followed. Further, if security personnel is engaged in safeguarding project sites and material, the IAs will:

- (i) Make reasonable inquiries to verify that the security personnel employed to provide security are not implicated in past abuses;
- (ii) Train them adequately (or determine that they are appropriately trained) in the use of force (and where applicable, firearms), and appropriate conduct toward workers and affected communities; and
- (iii) Require them to act within the applicable law, and any requirements set out in the ESCP and there must be signed a Code of Conduct, in the comprehensible local language, explained and understood including ramifications for non-compliance.

Government civil servants, who will provide support to the Project, 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 such government civil servants. Nevertheless, their health and safety needs will be considered, and the measures

³ A "direct worker" is a worker with whom the Program/ Project has a directly contracted employment relationship and specific control over the 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.

⁴ A "contracted worker" is a worker 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.

⁵ A "primary supply worker" is a worker 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.

adopted by the project for addressing OHS issues, including those related to COVID-19 infections, will apply to them.

Number of Project Workers

The project civil works, supply, installation of equipment and machinery, and supply of vehicles have been provisioned under all the components. The PIUs will implement activities under both components within BLPA, NBR, MoC and RHD. The four implementing agencies will assign their permanent staff at the PIUs, headed by a PD. The PIU will have individual specialists to implement the core activities under the project. Table 1 estimates project workers for the project (A detailed estimated break-down consultancy human resources requirements for the PIUs on E&S management is given at Annex-2).

Table 1: Estimate of Project Workers under the Project

Sl. No.	Type of Project Workers	Estimated requirements ⁶ (number)
1.	Direct Workers	
	<i>PIU (BLPA)</i>	15
	<i>PIU (NBR)</i>	10
	<i>PIU (MoC)</i>	10
	<i>PIU (RHD)</i>	20
	<i>Sub-PIU (PWD)</i>	10
2.	Contracted Workers	
	<i>a. PIU (directly engaged consultants)</i>	To be decided (TBD)
	<i>b. PMC (team of consultants under a firm with the IAs)</i>	TBD
	<i>c. E&S Assessment Consultant</i>	TBD
	<i>d. RAP NGO/Firm</i>	TBD
	<i>c. Contractors (estimated)</i>	TBD
	Total	TBD

** The number given in the table is an initial estimate which will be revised before the implementation process.

Timing of labor requirements and their gender

The direct workers will be recruited when the project is approved, especially those forming part of PIUs. The employment of field-level staff and consultants will be done after Project effectiveness. Considering the nature of the project workforce (unskilled, semiskilled, and skilled construction labor and specialist consultants) and Bangladesh's labor force market characteristics, it is not expected that the number of female workers will be high. It is estimated that women would represent about 5-10 percent of the workforce, and those would likely be technical/managerial and/or staff working in the operation offices and camps (maids, cooks, cleaners etc.).

Information on all Categories of Workers

The PIUs will gather and retain information on the engagement of contracted workers. The contractors and any consulting firms engaged for the PIUs will be contractually obligated to maintain updated information on all categories of contracted workers, including those employed by the sub-contractors, especially the non-local workers, and periodically share the same with the PIUs, which in turn will be made available by the PIU accessible to the parties interested including the World Bank.

⁶ This is an estimated figure.

The format for the submittal of workers' information will be finalized at the mobilization of the contractors. The information database on contracted works to be maintained by the contractors will include but not limited to the following:

- Name and age (supported by NID/ Birth Certificate/ Certificate from the Union Parishad)
- Mother's and Father's name and permanent address
- Marital status and name of the spouse (if married)
- Number of dependents with relations and gender (as applicable)
- Place of stay of spouse and children during work engagement under the Project
- Address and contact number (in case of an emergency) with at least one alternative contact number and person(s) of contact
- Key skills and years of experience
- Work activities, schedule, and duration of engagement as per the contract with the contractors/PIUs
- Duration of contract and rotation arrangements
- Facilities arranged by contractor/firm including health check-ups before engagement, accommodation (to be specified by contractor)
- Pre-employment check-ups, fitness tests, and health awareness campaigns for workers

Information regarding COVID-19

The project activities under works, supply, and consulting/training services, will include different workers and raise COVID-19 exposure concerns. The project will require construction workers that may raise issues with manual labor employment, particularly regarding potential transmission risks for COVID-19 both within the worksite and nearby communities. These risks are from workers mobilized locally and workers moving from other regions/countries. The national COVID-19 response protocol and WHO guidelines will be adopted by the contractors and any consulting firms of such workers. The COVID-19 protocols/ guidance would also be an integral part of the OHS Plan, which the Contractor/s will prepare.

ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The main labor risks associated with the project are assessed to be related to the work environment due to the ongoing COVID-19 pandemic, associated risk of accidents, labor influx, and community health and safety, including risks of SEA/SH. Followings are some of the potential labor risks associated with this project, with suggestions on how to deal with specific problems if they arise:

Table 2: List of potential labor risks

<p>Labor influx</p>	<p>The project is expected to design and implement civil and refurbishment works. The potential sites will be distributed within mostly urban and peri-urban, and some rural areas on the highways for RHD, land ports for BLPA and Custom House & Custom Excise and VAT Training Centre for NBR, and several workers at a particular works site will not surpass 100 at any one time. There will be no significant labor influx as the project will employ only a limited number of external workers. Generally, specific requirements to manage risks associated with labor influx, related to interaction between project workers and local communities, such as</p>
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	communicable diseases and SEA/SH, are expected to be both substantial (for BLPA and RHD) and moderate (for MOC [with no construction] and NBR [with construction in its own premises) and managed through contractual requirements, code of conduct and training set out in this LMP. For works amenable to both males and females, persons with disabilities, and other workers from vulnerable groups will be given equal employment opportunities and equal wages for equal work or standard under the project.
Child Labour	There is a risk of engaging child labor in different tasks during the construction period. According to the Labor Act 2006, no one below 14 years (minimum age) will be employed as labor. Per the World Bank ESS2, labor only over the minimum age of 18 may be employed or engaged in connection with the project; an appropriate risk assessment is conducted before the work will commence; and the Borrower will conduct regular monitoring of health, working conditions, hours of work and the other requirement of ESS2. The contractor will be prohibited from employing anyone under the age of 18. The policies stated above will apply to workers above 18 years of employment.
Forced Labor	Debt bondage and forced labor are strictly prohibited under “The Prevention and Suppression of Human Trafficking Act, 2012”. The law says, “If any person unlawfully forces any other person to work against his/her will or compels to provide labor or services or holds in debt-bondage to exact from the person any work by using force or other means of pressure or by threat to do such, s/he shall be deemed to have committed a punishable offense.” Forced employment of laborers, especially of local laborers or internal migrants a serious offense and must be prohibited. Surprise and random inspection by the Project will be carried out regularly to ensure ESS2 compliance.
Setting up Labor Camp	Setting up the labor camps in the project areas can be a reason for land encroachment; also, solid and liquid waste from the labor camp and potential community health risks, including SEA/SH risks, are some of the major risks associated with this issue. Labor camps should be constructed at a distance from the water bodies and avoid productive land and away from the settlement during the selection of land for the setup of the labor camp. Solid and liquid waste should not be discharged into the water bodies, and contractors will instruct workers to maintain a clean/ healthy environment in the camps. There will be a Code of Conduct (CoC) for all workers that will be enforced. There will be required to raise awareness among the communities on STDs, SEA/SH, and the project GRM.
Sexual Exploitation and Abuse, and Sexual Harassment (SEA/SH)	The project’s risk of sexual exploitation and abuse (SEA) and sexual harassment (SH) is assessed as both substantial (for BLPA and RHD) and moderate (for MOC [with no construction] and NBR [with construction in its premises) and planned to be managed through contractual requirements, code of conduct and training set out in this LMP due to influx of labor. Contractors will ensure that workers are provided with the necessary SEA/SH orientations and CoCs are signed before the commencement of works. And adequate measures will be put in place to mitigate SEA/SH risks in and around works sites. The World Bank Guidance Note on Addressing Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) in IPF will be referred in the Project documents to prepare Contractors ESMPs with labor management practices for governing the conduct of all workers to ensure acceptable behavioral requirements with other workers (including training and signing CoC by all workers) and in relation to nearby communities. This will specify a set of measures to prevent SEA/SH and a SEA/SH adapted GRM. Additionally, Supervision Consultants team will include gender/GBV expert.
Occupational Health and Safety (OHS) and COVID-19 infections	The OHS of those involved in the project is a significant issue as COVID-19 is highly contagious. Hazards include face-to-face interaction with the general public, increasing pathogen exposure, long working hours, psychological distress, fatigue, occupational burnout, and physical and psychological stress. In addition, some infected people may not know that they have become infected and may contribute to the spread unknowingly. Exposure risks can increase for civil workers interacting with individuals with higher risks of contracting COVID-19 and for workers who have exposure to other sources of the virus in their job duties. World Bank Group EHS, WHO’s COVID-19 OHS Guidelines, World Bank’s COVID-19 Considerations in Construction/Civil Works Projects and Public Consultations and Stakeholder Engagement will be referred to minimize the OHS hazards and risks.
Supply chain disruption	Supply of essentials and project-related goods and equipment may be hampered due to supply chain disruption due to COVID-19.

Further, the project activities are likely to require workforce mobilization, many of whom may be working in COVID environments. In such circumstances, risks including public interaction, lack of PPE, lack of enforcement of protocols will be looked into and mitigated.

BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

Standards for labor and Working Conditions are defined in the Labor Act 2006 and Bangladesh Labor Rules 2015, and Occupational Health and Safety Policy 2013. The Bangladesh Labor Act 2006 is comprehensive legislation. The Act addresses three areas: (i) Conditions of service and employment including wages and payment, establishment of Wages Boards, employment of young people, maternity benefits, working hours and leave; (ii) health, safety, hygiene, and welfare, injury compensation; and, (iii) trade unions and industrial relations.

Table 3: Main gaps of government system concerning the WB ESF Standards

WB ESF Standard	Gaps
ESS2: Labour and Working Conditions	<p>(i) The Labour Act does not explicitly require that development projects be assessed and reviewed regarding labor and working conditions, including OHS requirements, before approval.</p> <p>(ii) The Labour Act does not require development projects to prepare Labour Management Plans/Procedure or OHS Plan.</p> <p>(iii) The Labor Act states that no one below 14 years (minimum age) will be employed as labor. Per the World Bank ESS2, labor only over the minimum age of 18 may be employed or engaged in connection with the project.</p>

The Public Procurement Rule 2008 requires contractors to take all reasonable steps to safeguard the health and safety of all workers working on-site and other persons authorized to be in it; (i) to keep the site in an orderly state; and (ii) to protect the environment on and off the site; (iii) to avoid damage or nuisance to persons or property of the public or others resulting from pollution, noise or other causes arising as a consequence of the Contractors methods of operation.

The Bangladesh Labor Act 2006 imposes obligations in the following areas of Labor law:

- Conditions of service and employment including wages and payment (and establishment of Wages Boards), employment of young people, maternity benefits, working hours, and leave;
- Health, safety, hygiene, and welfare, and compensation for injury;
- Trade unions and industrial relations.

The law applies to all “establishments” which are defined broadly to include shops, hotels, restaurants, factories (though these must employ more than five laborers), plantations, docks, transport services, construction sites, and “any premises in which laborers are employed to carry on any industry.” It does not apply to the agricultural sector – though it does apply to tea plantations, and specific provisions apply to tea gardens. It covers contractors (and its operations at construction sites); however, it is unclear if the law applies to development project management, which is inevitable "ad hoc" regarding implementation with staff co-terminus with the

project. The labor law of Bangladesh clearly describes all things related to labor and workforce, including wage and salary, termination, redressing, work environment, female worker, recruitment, unionization, child labor, etc. According to the Labor Act 2006, some salient features of Bangladesh labor law are described as follows:

Work hours: Section 100 provides 8 working hours a day for an adult worker, but an adult worker may work 10 hours a day provided all the conditions of section 108 have been fulfilled. According to that section, the employer must pay the worker, overtime, double the rate of his/her usual wages, i.e., basic & dearness allowance, if any. The employer is also required to maintain an overtime registrar as per the law. The new law makes a provision of total 48 (forty-eight) working hours for a worker, but it can be extended up to sixty hours, subject to the payment of overtime allowances as per section 108 of the law.

Wages: The National Pay and Wages Commission sets public sector laborers' wages and may not be disputed. In the private sector, wages are set by the industry, and collective bargaining rarely occurs due to high unemployment and laborers' concerns over job security. The legal workweek is 48 hours, with one day off mandated. This law is rarely enforced, especially in the garment industry.

The term "Wages" means all economic benefits, including salary, any bonus, and remuneration for overtime work, holiday or leave, termination of employment, or other additional remuneration payable under the terms of employment. Every employer is responsible for paying wages to laborers employed by him. If the contractor does not pay the wages of a worker employed by a contractor, the employer of the establishment must pay the wages. The maximum wage period is one month. The wages of every worker must be paid before the expiry of the 7th working day after the last day of the wage period in respect of which the wages are payable.

The term minimum wage is not defined by the Labor Act 2006. Instead, it sets a procedure for fixing industry-wise minimum wage rates. The Government declares minimum wage rates on an industry basis following recommendations by the Wages Board, a specialist tripartite board established under section 138 of the Labor Act 2006. In making its recommendation, the Wages Board considers cost of living, the standard of living, cost of production, productivity, and price of products, business capability, inflation rate, economic and social conditions of the country and the locality concerned and other relevant factors.

Minimum wage rates are set on an industry basis and are binding on all employers concerned. Failure to pay laborers the minimum wage is punishable by imprisonment for up to one year or by a fine up to Tk. 5,000 or by both.

Where the employment of a worker is terminated by retirement or by the employer, whether by way of retrenchment, discharge, removal, dismissal, or otherwise, the wages payable to him must be paid before the expiry of the 30th working day from the day on which his employment is so terminated. Wages have to be paid in legal tender, through cheque, and in some cases (given the requirement of the laborers) through an electronic transfer in favor of the worker's bank account or through any other digital medium. Wages must be paid on a working day. No deduction can be made from a worker's wages except those authorized by the Labor Act in its section 125.

Employees union: Employees are allowed to make unions establish and ensure their rights, but the government does not permit any unionization in the EPZ. In 2018 the government amended the law changing laborers' participation required to form trade unions at factories reduced to 20% from the previous 30%.

Regular leaves and benefits: According to Act 2006, every worker must enjoy paid sick leave, casual leave, and festive holidays. The laborers would get festival allowances as per the rules, and laborers of the export-oriented and foreign exchange earning industries would enjoy the central group insurance policy facilities. Laborers, if they wish, can enjoy weekly holidays merging with festival holidays. A worker can be asked to work in exchange for a one-day alternative holiday and compensation allowances equivalent to two days' wages on any festival holiday.

Maternity leave: Female workers will get paid maternity leave. An expectant mother would be entitled to 8-week maternity leave and other benefits within three days of submitting necessary documents. Maternity leave has been made mandatory since 2018.

Safe work environment- Health/ Safety/ Welfare: Every industrial unit having more than 25 laborers must have the arrangement of a dining and restroom with facilities of drinking water. This act also ensures employee safety health and resolves any disputes and unfairness.

Notice periods: A permanent employee at a company must give his employer 14 days' notice if s/he wishes to quit or one month's notice if the employee is paid monthly. Termination is considered a "discharge" if an employee is fired for mental or physical incapacity, illness, or other reasons not related to misconduct by the employee. An employer must pay compensation when a termination is unrelated to discharge or dismissal and give justification when they terminate on the grounds of discharge or dismissal. There is already an initiative of Bangladesh Labor Welfare Federation under MoLE to set up a 'pension & gratuity' system for the wage laborers.

BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

Generally, the management of community health and safety of development projects is covered under ECA and ECR. Typically, OHS measures extend to the general public at construction sites.

There are two components of OHS. One is the physical safety of project communities exposed to the project activities during construction and operation, including risks of accidents and violence due to increased crimes and cultural conflict between locals and migrant populations. The other pertains to the community's exposure and/or increased risks of diseases due to influx of people during construction and operation and due to the changes in the project area, including pollution and ecological change. The OHS provisions of Labor Act partly address the physical safety aspects. Other laws have specific provisions that address part of ESS4.

Bangladesh has a well-structured health system with three tiers of primary health care – Upazilla Health Complexes (UHC) at the sub-district level, Union Health and Family Welfare Centers (UHFWC) at the Union (collection of few villages) levels, and Community Clinics (CC) at the village level. These are backed by the District Hospitals providing secondary level care and the tertiary hospitals in large urban centers. The system is decentralized, covering all districts, sub-districts, and rural towns and villages in the country. Bangladesh has a good infrastructure for delivering primary health care services. However, due to inadequate logistics, the full potential of this infrastructure has never been realized.

There are two kinds of formal means by which health, safety, and welfare obligations, first through the use of powers provided to inspectors to require improvements to make; and second through criminal prosecutions. 'Factory Inspectors' (DIFE) are given certain powers to take steps requiring improvement if inspectors believe certain circumstances exist.

Health and Safety Offences: There are five offenses in the Act explicitly relating to health, safety, and welfare – the selling of unguarded machinery (Section 208), failure to give notice of an accident (Section 290), a breach causing death (Section 309a), a breach causing grievous bodily harm (Section 309b) and a breach causing any harm (Section 309c).

Besides, a ‘catch-all’ offense allows prosecutions against “whoever contravenes or fails to comply with any provisions of the Code or any rules of the scheme made under it” – which is punishable by up to 3 months imprisonment or with a fine of up to Tk. 1,000 or both (Section 307). This offense would, for example, apply to any breach of the obligations involving health, safety, and welfare, not already covered by the offenses above. A repeat conviction for the same offense can result in double the fine or sentence of imprisonment (Section 308).

When there has been a breach of a duty imposed upon an employer, any one of the individuals defined as an employer can be prosecuted. Besides, when a company is prosecuted, “every director, partner, shareholder or manager or secretary or any other officer or representative directly involved in [its] administration” shall be deemed guilty unless he can prove the offense has been committed without his knowledge.

Table 4: Conformance of the Bangladesh Labor Act with key elements of the ESS2

Key Elements of ESS2	Provisions in the Labour Act	Steps planned
Equal Opportunity and Non-discrimination	The law contains essential provisions prohibiting discrimination based on sex and disability, including equal wages for equal work.	No steps are required.
Timely payment	Wages must be paid before the expiry of the 7 th working day after the last day of the wage period.	No steps are required.
Working hours and overtime	48 hours per week extendable up to 60 hours with 12 hrs. overtime.	No steps are required.
Worker rights	Regular leaves and benefits. The employer must provide reasons for termination.	The LMP incorporated necessary provisions and actions.
Prevents use of all forms of forced labor and child labor	Below 14 years of age shall not be required or allowed to work in any factory. 14 years of age shall allow working in a factory if s/he is a trainee or s/he has the certificate of fitness and government permission if the nature of employment is considered non-hazardous. Otherwise, all forms of child labor are banned.	Only labor above the age of 18 will be engaged in labor per ESS2.
Protection of Workers		
OHS	The law provides comprehensive OHS and empowers DIFE to conduct inspections of establishments and impose penalties for violations or non-compliance.	No steps are required.
Children at the Working Age	Children (14 - 18) shall be assigned only light work and not be assigned to hazardous tasks.	Only labor above the age of 18 will be engaged in labor per ESS2.
Women	8 weeks of paid maternity leave for expectant mothers is mandatory.	No steps are required.
Person with Disabilities (PWD)	Person with Disabilities (PWD) Rights and Protection Act 2013 provides rights to discrimination-free employment opportunities.	The LMP incorporated necessary provisions and actions.

Migrant Workers	No special provisions for migrant workers	No steps are required.
Contractor Workers	If the contractor does not pay the wages of a worker employed by a contractor, the employer of the establishment must pay the wages.	No steps are 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 agencies be formally registered, and workers should first be the responsibility of the contracting agency.	No steps are required.
Supplier/ Supply Workers	The law does not assign responsibility for the project to the 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 can form a union with at least 20% of the employees participating, but the government does not permit unionization in the Export Processing Zones.	No steps are required.
Access to a grievance redress mechanism	Employees can seek direct civil law redress from the Labour Courts for complaints regarding terms and conditions of employment and wages. While health and safety, maternity welfare, and child labor offenses are subject to criminal prosecution. There is an institutional GRM for labor in Bangladesh as per the standards/provisions of the Bank's ESS2.	The LMP incorporated necessary provisions and actions.

RESPONSIBLE STAFF AND PROCEDURES

Various aspects of the responsibility with respect to worker management will be described in detail in the site-specific ESMPs. The summary of responsibility concerning labor issues is appended below:

Overall Management: The PIUs of IAs have the overall responsibility to oversee all aspects of the implementation of the LMP, including ensuring contractor compliance. The PIUs will address and ensure all LMP aspects as part of procurement for intervention and during staff induction. The PIUs, Consultant Firm(s), and Contractors (including Subcontractors) will be responsible for the management of workers' (including trainer, staff, etc.) issues in the field. The Contractor will be required to develop, adopt and implement a written Labor Management Plan as part of the contract before employing any labor in relation to project the work. They will be required to adopt and implement good labor management practices acceptable to the World Bank as outlined in this LMP. The PIUs will supervise the Labor Management Plan implementation by the Contractors and Consultant Firm(s).

Occupational Health and Safety (OHS): Contractors and consulting firms will ensure day-to-day compliance with acceptable safety measures and record safety incidents with their dedicated OHS staff. Minor incidents are reported to PIUs monthly and reflected in the quarterly reports to the World Bank. Major incidents/issues including SEA/SH are flagged to the World Bank immediately with the ESCP.

Contractors will Develop a detailed OHS Management Plan for each site which shall include, but not be limited to, Task-specific risks assessments; Standard Operating Procedures (SOPs) associated with each task which will

include capacity/skill requirements as well as required Personal Protection Equipment associated with the task; Daily 10 minute safety talks to every working crew for awareness and refreshing of the OHS risks associated with the tasks to be performed as well as procedures/chain of command in case of incidents or accidents; Key Performance Indicators (KPI) tracking person-hours without incidents and an objective of zero tolerance/zero fatalities; Periodic Safety Audit / Inspections; and Permanent capacity building for workers. In addition to these, providing the workers a safe and healthy work environment; providing appropriate PPE for workers, such as safety boots, helmets, masks, gloves, protective clothing, goggles, full-face eye shields, and ear protection; providing health care facilities and first aid facilities are readily available; documenting and reporting occupational accidents, diseases, and incidents and actions are taken; identifying potential hazards to workers, particularly those that may be life-threatening and provide necessary preventive and protective measures; providing awareness to the construction drivers to strictly follow the driving rules; providing adequate lighting in the construction area and along the roads in the construction site; these also fall into the responsibilities of the contractors.

The PIU will ensure that the Environmental and Health Safety Guidelines (EHSG) and the ILO Convention 167: Safety and Health in Construction Convention, 1988, which is adopted specific proposals regarding safety and health in construction, are adopted and followed. Contractors must engage a minimum of one safety representative/officer and prepare and enforce Life and Fire Safety Protocols consistent with GIIP as part of the C-ESMP.

Labor and Working Conditions: Contractors will comply with labor conditions, including non-discrimination, wages, safer working conditions, etc. The PIU will monitor periodically to ensure that labor working conditions are met per national legislation. The awarded contractors will keep records in accordance with specifications set out in this LMP. The PIU may require records to ensure that labor conditions are met. The PIU will review records against actuals at a minimum monthly basis and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

SEA/SH: The Contractor shall ensure that labor receives adequate training and sensitization on SEA/SH and will monitor all civil works. Contractors and Laborers will be required to sign a Code of Conduct to ensure acceptable standards of behavior. The CoC must include sanctions for non-compliance, including non-compliance with specific policies related to SEA/SH (e.g., termination and recourse to legal system). The CoC should be written in plain local language and signed by each worker. The Gender/SEA/SH expert at the IA's PIU will ensure implementation of SEA/SH Action Plan to prevent and mitigate any instances and address any SEA/SH cases accordingly along with reporting them to the Bank.

Labor Camps and Camp Management: Setting up the labor camps in the project areas can be a reason for land encroachment; solid and liquid waste from the labor camp and potential community health risks, including SEA/SH risks, are some of the major risks associated with this issue. Labor camps should be constructed at a distance from the water bodies and avoid productive land and away from the settlement during the selection of land for the setup of the labor camp. Contractors will oversee this process from close and report if otherwise. No solid and liquid waste should be discharged into the water bodies, and contractors will instruct workers to maintain a clean environment in the camps. There will be a Code of Conduct for all workers that will be enforced, and contractors will work on raising awareness among the communities on STDs, SEA/SH, and the project GRM. The PIU will review records against actuals at a minimum monthly basis and can require immediate remedial actions if warranted.

Workers Grievances: A Grievance Redress Mechanism (GRM) has been detailed with this LMP, including the Grievance Redress Committees (GRCs) setup. Contractors will be required to abide by the provisions of the GRM.

The Environmental Specialist and the Social Development Specialists of the PIU and the PMC will review records monthly. PIUs will keep abreast of resolutions and reflect in quarterly reports to the World Bank. Given the anticipated number of the project personnel/workers the workers' GRM will be set up separately, apart from the Project level GRM, though personnel in the grievance redress committees (GRC) on both the GRMs may have overlapping functions. Reporting channels for the GRMs may also be same.

Waste Management and Communicable Diseases: Contractors will be fully responsible for ensuring that their workers know and are trained on the national laws, safe disposal of waste (i.e., used PPE, etc.), and reporting of communicable diseases, including COVID-19, if they contract any. Continuous motivation, monitoring and reporting on the same is the Contractors' responsibility. The PMU will have a monitoring team to ensure the same. The PIUs should confirm that adequate precautions to prevent or minimize an outbreak of COVID-19 have been taken and they have identified what to do in the event of an outbreak and sickness of workers.

Additional Training: PIUs, Consulting Firm(s), and Contractors must ensure that the assigned personnel are adequately trained and briefed with overall health and safety arrangement, use of equipment (especially PPE), GRM procedure, working conditions of the project. Training on PPE, hygiene facilities and behavior, SEA-SH, and preparation and obtaining signed code of conduct (CoC) is also their responsibility. Workers will also be briefed on CoC in the local language before a certifier is assigned by the contractors and authorized by the PIUs.

Raising Awareness: The project will take the initiative to organize sessions on raising awareness of the communities on issues relevant to the project's compliance and standards (e.g., labor standards, SEA/SH, et al.). This, in addition to the project's Communication Strategy, will ensure effective and efficient participation of different stakeholders of the project.

Table 5: Agencies involved in ES Risk Management of development projects in Bangladesh

ESF Standards	Assessment	Planning	Implementation	Oversight
ESS2: Labour and Working Conditions	BLPA/RHD/NBR/MOC	BLPA/RHD/NBR/MOC	BLPA/RHD/NBR/MOC	DIFE
ESS4: Community Health and Safety	BLPA/RHD/NBR/MOC	BLPA/RHD/NBR/MOC	BLPA/RHD/NBR/MOC	DOE

POLICIES AND PROCEDURES

Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination concerning any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions, and terms of employment, access to training, job assignment, and promotion, termination of employment or retirement, or disciplinary practices. Most environmental and social impacts of sub-projects resulting from activities directly under the control of contractors will be mitigated directly by the same contractors. Consequently, ensuring that contractors effectively mitigate project activity-related impacts is the core of the project's approach.

Under no circumstances will IAs, 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, the 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, inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, use of SEA/SH to extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis can be referenced or annexed to the LMP, together with any other supporting documentation.

Equal Opportunity for All

Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.

Occupational, Health, and Safety (OHS)

The health and safety procedure illustrated in the Bangladesh Labor Act 2006, WB Environmental and Health Safety Guidelines (EHSG), ESS 2, Communicable Diseases (Prevention, Control, and Eradication) Act 2018, and guidelines to address COVID-19 issues will be referenced in all activities under the Project.

The PIUs will ensure that the Contractors are:

- Complying with legislation and other applicable requirements which relate to the OHS hazards.
- Enabling active participation in OHS risks elimination by promoting appropriate skills, knowledge, and attitudes towards hazards.
- Continually improving the OHS management system and performance.
- Communicating this policy statement to all persons working under the control of IA emphasizes individual OHS responsibilities.
- Availing this policy statement to all interested parties at all IA facilities and sites.

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

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

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

- Provide OHS training to all workers involved in project works.
- Provide PPEs (protective masks, hard hat, overall and safety shoes, safety goggles).
- Ensure availability of first aid box.
- Provide workers with access to toilets and potable drinking water.
- Ensure the voluntary reporting of any COVID-19 or other symptoms and arrange for health emergency services.

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

SEA/SH

Contractors will need to manage labor relations with local communities through worker Codes of Conduct (CoC). The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior. The CoC must include sanctions for non-compliance, including non-compliance with specific policies related to SEA/SH (e.g., termination and recourse to legal system). The CoC should be written in plain local language and signed by each worker to indicate that they have:

- Received a copy of the CoC as part of their contract;
- Had the CoC explained to them as part of the induction process;
- Acknowledged that adherence to this CoC is a mandatory condition of employment;
- Understood that violations of the CoC can result in severe consequences, 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 Bangla. Contractors must address the risk of SEA/SH through:

- Mandatory training and awareness-raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women. Training may be repeated;
- Informing workers about national laws that make SEA/SH a punishable offense that is prosecuted;
- Adopting a policy to cooperate with law enforcement agencies in investigating complaints about SEA/SH;
- Developing a system to capture gender-based violence, sexual exploitation, and workplace sexual harassment-related complaints/issues.

Age of Employment

In the Bangladesh Labor Act, 2006, Section 34, it is mentioned that no child shall be employed to work in any occupation. Section 44 mentions that anyone under age 14 is considered a child under 18, but over 14 is considered adolescent. World Bank ESS strictly prohibits child labor and mentioned that the minimum age of 18 is required for anyone to get employment in such works. Section 37 of the act suggests a fitness certificate required for adolescents to get employed and they can be appointed to do the light works and less work hours.

According to the World Bank standards and guidelines, the minimum age of employment for this project shall be 18 years (given the potentially hazardous situation posed by COVID-19), and to ensure ESS compliance, all employees will be required to produce National Identification Cards as proof of their identity and age which is required for employment. If any contractor employs a person under 18 years, measures to address the same will be taken by PMU.

Terms and Conditions

The terms and conditions of employment for the Project workers are governed by the provisions of the Bangladesh Labor Act 2006 (amended in 2013 and 2018) (BLA 2006), National Child Labor Elimination Policy 2010 (NCLEP 2010).

Conditions of employment and service. The employers must provide workers with an Appointment Letter, Identity Card, and a Service Book (**Sections 5 and 6 of BLA 2006**). A register of workers, including details of all workers engaged, is also mandatory to be maintained by the employer (**Section 9**). Leave Procedures are illustrated in **Section 10**. Termination of employment is described in **Section 26** for both permanent and temporary workers. No children below the age of 14 can be employed, and working children between the ages of 14 and 18 should not be engaged in any work hazardous to their health and well-being (Section 10 (a) of NCLEP 2010).

Working hours. Working hours (*maximum 8 hours a day ordinarily, except exceptional cases and 48 hours a week*), rest hour (*1 hour for more than 6 hours of work*), overtime work (*more than 8 hours a day with twice the rate of the normal working hour*), working hour for women (*no work between 10 PM to 6 AM without her consent*) and leave entitlement [Chapter IX].

Wages and calculation of wages. **Section 123** describes the time for wage payment (the wages of a worker shall be paid before the expiry of the seventh working day following the last day of the wage period in respect of which the wages are payable). **Section 125** defines the cases where deductions may be made from wages.

Condition of the minimum wage rate. **Section 148** makes it binding on the contractors (employers) to abide by the minimum wages rate. Contractors will also be required to comply with the most current decision of the Wages Board assigned by the government. The Wage Board Order and the Labor Act specify the minimum wages, hours of work, overtime pay, leave entitlements, traveling and subsistence allowances, and the issue of protective clothing.

Trade Unions and Industrial Relations. The workers shall, without distinction whatsoever, have the right to form a trade union primarily to regulate the relations between workers and employers or between workers and workers and, subject to the constitution of the union concerned, to join the trade union of their own choice.

Upon receiving the Project contract, the Contractor shall certify in writing that the wages, hours, and conditions of work or persons to be employed by him on the contract are not less favorable than those contained in the most current wages regulation issued by the government recommended by the Wages Board Chairman. The Contractor shall maintain the worker's register, which will be available for inspection during working hours for the Inspector appointed by PIUs, other interested parties, and the World Bank.

In ensuring full compliance with the law, the Contractor will be required to furnish PIU with copies of the Service Book or copies of the contract of all its workforce. Contractors will not be allowed to deploy any employee to work in the project if such a copy of that employee's employment has not been handed to PIU. The Contractor is also obliged by the law to allow workers to form trade unions subject to BLA 2006.

As a monitoring mechanism, a contractor shall not be entitled to any payment unless he has filed, together with his claim for payment, a certificate: - a) stating whether any wages due to employees are in arrears; b) stating that all employment conditions of the contract are being complied with. The contract will be a material term to allow PIU to withhold payment from the contractor should the contractor not fulfill their payment obligation to their workers.

Workers' Organization

The Bangladesh Labor Act, 2006 (Section 176) and the WB ESS2 ratify the Rights of Workers, guarantees all workers their rights to freely form, join, or not join a trade union to promote and protect the economic interest of that worker. Collective bargaining and representation and in the Bangladesh Labor Act, 2006, a worker's welfare society holds the right to negotiate the terms and conditions of employment and other related matters, and any worker has the right to join the welfare society. Section-119 of this Act suggests a collective bargaining agent to negotiate to represent the welfare society of workers.

Paragraph 16 of ESS2 noticeably indicates that in countries where national law recognizes workers' rights to form and join workers' organizations of their choosing and bargain collectively without interference, the project will be implemented according to national law. In such circumstances, the role of legally established workers' organizations and legitimate workers' representatives will be respected, and they will be provided with information needed for meaningful negotiation on time. Where national law restricts workers' organizations, the project will not restrict project workers from developing alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment.

OTHER RELEVANT FEATURES OF LABOR LEGISLATIONS, POLICIES, AND GUIDELINES

National Legal Framework Requirements

The Bangladesh Labor Act, 2006, amended as of 2019, guides the terms and conditions of employment, including the primary conditions of employment which are materially consistent with World Bank ESS2. The Act makes it mandatory for employers to furnish employees with written particulars of employment stating hours of work, wages, leave entitlements, job description, grievance procedure, benefits, etc. The written contract of employments also contains:

- Contracts of employment
- Leave entitlements, i.e., annual leave, sick leave, maternity leave, and compassionate leave
- The protection of wages (prohibition against unlawful deductions)
- Retrenchment procedures
- Fair and unfair reasons for termination of employment
- Grievance mechanism
- Debt bondage and forced labor and services are strictly prohibited

The Bangladesh Labor Act 2006 explicitly details the safety and working conditions of the assigned workers (Chapter 6). The salient aspects of the law relating to safety and working condition illustrates as follows:

- **Safety of building and machinery.** It details the inspection requirement of these installations and actions to be taken if they are found unsafe for workers.
- **Fencing of machinery, machinery in motion, automatic machines.** Details the fencing and safety requirements to be set around dangerous machinery.
- **Floors, Stairs, and Passages.** Sets out the construction and setup requirements for safe access and ease of use.

- **Excessive weights.** Illustrates that no excessive weights are to be lifted by any worker.
- **Dangerous fumes and explosive and flammable gas.** Details courses of action in case dangerous and explosive gases and fumes are in the work area.
- **Personal protective equipment (PPE).** The employer must supply workers with quality PPE, including helmets, gloves, boots, etc. This is also very essential given the COVID-19 outbreak. Every worker shall be made aware of work hazards through training to ensure the protection and safety of their professional health at work.

The Bangladesh Labor Act 2006 provides special provisions relating to health, hygiene, and safety (Chapter 7), including the following:

- **Dangerous operations:** All potentially dangerous operations to be declared and women, children, and adolescents to be barred from such operations.
- **Notice of accident:** Makes it mandatory to report any accident in the workplace.
- **Notice on diseases:** If any worker is infected with any disease listed as contagious (Schedule II), it is mandatory to notify, and the employer is obligated to treat the worker.
- **Restriction to employ women workers:** Specific assignments listed as per the requirement of Sections 39, 40, and 42 are not allowed for women, and Sections 45 (1), 45(2), and 45 (3) emphasizes explicitly restriction on the engagement of women working in those assignments.
- **Restriction to employ children and adolescents:** Employment of children and adolescents is prohibited under Sections 34 (1) and 34(2), while Sections 39, 40, 41-44 provide requirements in relation to the employment of project workers, particularly children, and adolescents.

The Labor Act in Chapter 10 guides *wages and payment as follows:*

- Every employer shall be liable to pay to workers employed by them all wages required to be paid under this Act;
- Provided that in the case of all other workers, except any worker employed by a contractor, the Chief Executive Officer, the manager, or any other person responsible to the employer for the supervision and control of an establishment shall also be liable for such payment;
- Provided further that if the contractor does not pay the wages of a worker employed by the contractor, the wages of such worker shall be paid by the employer of the establishment, and the same shall be adjusted from the contractor.

The Act in Chapter 12 provides requirements on compensation for injury caused by accidents. It is the liability of the employer to pay compensation in accordance with the provisions of this Chapter if a worker is bodily injured by accident arising out of the course of their employment.

The Labor Act 2006 in Chapter 21 provides miscellaneous issues and requirements, essential workers' obligations, and conduct towards women.

Section 331 provides that no worker in an establishment shall:

- (a) Willfully misuse or interfere in the use of any system or appliance provided in the establishment to secure the health, safety, or welfare of the workers therein.
- (b) Willfully or without reasonable cause do anything likely to endanger himself or any other person.
- (c) Willfully neglect to use any appliance or system provided in the establishment to secure the health or safety of the workers therein.

Section 332 provides conduct towards women. Where any woman is employed in any work of any establishment, whatever her rank or status may be, no person of that establishment shall behave with her which may seem to be indecent or unmannerly or repugnant to the modesty or honor of that woman.

World Bank E&S Standard on Labor and Working Conditions

The World Bank Environmental and Social Standard 2 (ESS2): Labor and Working Conditions recognize the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. The ESS2 enables promoting sound worker-management relationships and enhancing the project's development benefits by treating workers fairly and providing safe and healthy working conditions.

The ESS2 is applicable to project workers refer, including direct workers (people employed or engaged directly by the IAs), contracted workers (people employed or engaged through third parties to perform work related to core functions of the project), primary supply workers (people employed or engaged by the projects' primary suppliers) and community workers (people employed or engaged in providing community labor).

The objectives of the World Bank E&S Standard 2 on labor and working conditions are:

- To promote safety and health at work.
- To promote fair treatment, non-discrimination, and equal opportunity for project workers.
- To 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.
- To prevent the use of all forms of forced labor and child labor.
- To support the principles of freedom of association and collective bargaining of project workers consistent with national law.
- To provide project workers with accessible means to raise workplace concerns.

Other International Guidelines

Other guidelines that may be considered are:

- [ILO Occupational Safety and Health Convention, 1981 \(No. 155\)](#)
- [ILO Occupational Health Services Convention, 1985 \(No. 161\)](#)
- [ILO Safety and Health in Construction Convention, 1988 \(No. 167\)](#)
- [WHO International Health Regulations, 2005](#)
- [WHO Emergency Response Framework, 2017](#)
- [WHO SAGE Values Framework for the Allocation and Prioritization of COVID-19 Vaccination \(Sept 2020\)](#)
- [WHO SAGE Roadmap for Prioritizing Uses of COVID-19 Vaccines in the Context of Limited Supply \(Nov 2020\)](#)
- [WHO Target Product Profiles \(TPP\) for COVID-19 Vaccines \(2020\)](#)
- [EU OSH Framework Directive \(Directive 89/391\)](#)

COVID-19 Response Guidelines

The national guidelines on COVID-19 response have been developed with the aid of World Health Organizations' (WHO) policy, procedures, and guides to address the COVID-19 pandemic. They are available at: <https://dghs.gov.bd/index.php/bd/publication/guideline>.

GRIEVANCE REDRESS MECHANISM

Workers who believe that they are adversely affected by the project may submit complaints/concerns to the existing labor grievance redress mechanism outlined in this LMP.

The Labor Act 2006 Section 33 provides the formal grievance procedure if a laid-off worker retires, is discharged, dismissed, removed, or otherwise terminated from employment. Section 202 (**Subsection 24**) describes the responsibilities of a Collective Bargaining Agent (**CBA**), especially bargaining with the employer in matters of the workers' conditions of work or environment and conducting cases on behalf of any individual worker or a group of workers under this Act. Workers' grievance redress mechanisms (GRM) under the project will support all project workers, direct contracted and, if applicable primary supply workers.

Direct Workers: The Project Director of this project will be responsible for providing guidance and advice on all grievances of the direct workers and their management, in line with the national legal and regulatory framework related to labor and the provisions of this LMP.

Contracted Workers: The Consulting Firm(s) and Contractors under all PIUs will be obligated to set up a workers GRM, specially to redress complaints relating to workers deployed for construction works under the project. The Workers GRM will have due representation of respective PIUs, Contractors' workers, and women (either from PIUs/contractor/workers) and function under PIUs. The mandate for GRM, institutional arrangements, procedure for receiving complaints, time limits for redressal of complaints, escalation level for unresolved cases, and resolution thereof will be finalized during the approval of C-ESMP by the PIUs with assistance from the national PIU. The GRM will be set up at mobilization of the contractors and engagement of the PMC. The contractor and the consulting firm(s) will also be responsible for tracking and resolving workers grievances and maintain records about grievances/complaints received, minutes of discussions, recommendations and resolutions made thereof and intimation of resolution of grievance to the complainant.

In the COVID-19 context, the nature of complaints will be particularly time-sensitive and sensitive in terms of confidentiality. Hence, the Contractor should consider streamlined procedures to address specific worker grievances, allowing workers to quickly report labor issues, such as a lack of PPE, lack of proper procedures, or unreasonable overtime, and allow the workers to report and respond and take necessary action freely.

The responsible person (preferably a Labour Specialist) at the PIU will provide implementation and capacity-building support to all sub-PIUs on managing workers' related grievances. The Specialist will also include workers' grievance status in the progress reports. The Workers GRM will be well circulated and written in a language understood by all categories of workers engaged in the project activities. All workers' related grievances will be received through established communication channels and registered with the Workers GRM at the PIUs. Workers will also be able to submit their grievances through the regional and divisional labor offices of the Department of Labor, whose addresses and contact telephone numbers will be prominently displayed by contractors for the visibility of all workers at all worksites.

The Workers GRM will include:

- A channel to receive grievances such as comment/complaint form, suggestion boxes, email, a telephone hotline that might also be anonymous;
- Stipulated timeframes to respond to grievances;
- A register to record and track the timely resolution of grievances;
- A responsible section/wing/committee to receive, record, and track the resolution of grievances.

The Workers GRM will be described in workers induction training, which will be provided to all project workers. The detailed induction training plan and content have been provided in the ESMF. The mechanism will be based on the following principles:

- The process will be transparent and allow all project workers to express their concerns and file grievances.
- There will be no discrimination against those who express grievances, and any grievances will be treated confidentially.
- Anonymous grievances will be treated equally as other grievances, whose origin is known.
- Management will treat grievances seriously and take timely and appropriate action in response. Information about the existence of the grievance mechanism will be readily available to all project workers through notice boards, the presence of “suggestion/complaint boxes,” and other means as needed.
- The Project workers’ grievance mechanism will not prevent workers from using the conciliation procedure provided in the BLA 2006 or recourse to legal means.

The PIU will outline workers' GRM in a handout, explaining institutional setup and representation in local language, timing and procedure for receiving complaints, mechanism of handling complaints, maximum time limits for redressal of complaints, and escalation level unresolved cases and resolution thereof. The PIUs will monitor the Contractors’ recording and resolution of grievances and report these in their monthly progress reports to share with the PMU. The process will be monitored by the Grievance Redress Officer (GRO) of BLPA, NBR, MoC, RHD, or the Communications Consultant at the PIU. The report on workers GRM will be disseminated to the workers regularly and shared with the World Bank periodically.

Management of Gender and SEA/SH Related Complaints. Gender-based discrimination is strictly prohibited and monitored by the PIU of the Project. With support from Gender and SEA/SH specialists/consultants, the PIU will identify issues of SEA/SH associated with the investments by the PIUs by ensuring GRM is responsive to SEA/SH cases. In case the PIUs and the contractor are not equipped to handle complaints or provide relevant services to survivors of SEA/SH, they will refer them to SEA/SH service providers (could be local NGOs having such program and services) who will in turn use health facilities, law enforcement's gender unit or others, and other services for management of the issue. Grievances related to SEA/SH should also be channeled through the related service provider, if employed, else keeping the complainants’ confidentiality.

Reference to World Bank Good Practice Note on **Addressing SEA/SH in IPF** will be made to prepare a guidance note to be incorporated by the IA for governing the conduct of all workers to ensure acceptable behavioral requirements with other workers (including training and signing Code of Conduct by all workers) and in relation to nearby communities. This will specify a set of measures to prevent SEA/SH in the project.

The PIU will keep records of all resolved and unresolved complaints and grievances (one file for each case record) and make them available for review as and when asked for by Bank. The PIUs will also prepare periodic reports on the grievance resolution process and publish these on their respective official websites.

Disciplinary Procedure

The starting point for all disciplinary action rules may be implied or explicit and will vary from workplace to workplace. Some rules are implied in the employment contract (e.g., rule against stealing from the employer). However, even implied rules should be included in the disciplinary code or schedule of offenses. 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

IAs will establish a fair and effective disciplinary procedure in the workplace, which should be fair and just. The procedure is as follows: -

- a. Investigate to determine whether there are grounds for a hearing to be held;
- 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 a reasonable time to prepare for the hearing and to be represented by a fellow employee or a union representative;
- d. The employee must be allowed to respond to the allegations, question the witnesses of the employer, and lead witnesses;
- e. If an employee fails to attend the hearing, the employer may proceed with the hearing in the absence of the employee;
- f. The hearing must be held and concluded within a reasonable time and is to be chaired by an impartial representative.

If an employee is dismissed, it must be given the reasons for dismissal and the right to refer to the dispute concerning the fairness of the dismissal. Therefore, it is incumbent upon the Contractors to ensure that they have a disciplinary procedure and Code and standards which the employees are aware of. Each contractor will be required to produce this procedure to ensure that employees are not mistreated.

Individual Grievance Procedure

Every employer, including contractors, must have a Formal Grievance Procedure that should be known and explained to the employee.

It is recommended that such procedure should at least:

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

All the contractors, as relevant, who will be engaged for the project, will be required to produce their grievance procedure as a requirement for tender, which complies with these requirements. Besides, good international practice recommends that the procedures be transparent and confidential, adhere to non-retribution practices, and include the 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.

Collective Grievances and Disputes resulting from the negotiations of Collective agreements

Where a trade union is recognized, it is entitled to negotiate regularly with the employer over terms and conditions existing at the workplace, and the employer is obliged to negotiate with it. The procedures followed in such instances are usually contained in the agreement, which states 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 dispute, 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.

ENGAGEMENT AND MANAGEMENT OF CONTRACTORS AND SUB-CONTRACTORS

Contractors Requirements

Any Contractor selected for the Project must be a legitimate and reliable entity and must have their labor management procedure and practice materially consistent with the requirement of ESS2. The requirement of ESS2 will be incorporated in the bidding documents and contractual agreement and will also include non-compliance remedies. Any subcontractors engaged will also have similar requirements in their agreement, including non-compliance remedies.

The project requires that contractors monitor, keep records and report on terms and conditions related to labor management. The contractor must provide all project workers with evidence of all payments made, including social security benefits, pension contributions, or other entitlements regardless of the worker being engaged on a fixed-term contract, full-time, part-time, or temporary. The application of this requirement will be proportionate to the activities and the size of the contract, in a manner acceptable to the IAs and the World Bank. An outline of the contractors' labor management plan in the Contractors ESMP is attached at Annex-1.

The contractual agreement will also require the inclusion of Contractors' measures in light of the COVID-19 situation. They will include:

- Provision of adequate measures for the workers working under the COVID-19 situation, including free PPEs and sanitization. Provision of workers needing to report COVID-19 symptoms and referral to health facilities and not forcing them to work.
- Provision of medical insurance covering treatment for COVID-19, sick pay for workers who either contract the virus or are required to self-isolate due to close contact with infected workers, and payment in the event of death.
- Requirement of safe working conditions and the conduct of the work (e.g., creating at least 6 feet between workers by staging/staggering work, limiting the number of workers present).
- Procedures and measures deal with specific risks, for example, for health care contractors: infection prevention and control (IPC) strategies, health workers exposure risk assessment and management, developing an emergency response plan, per [WHO Guidelines](#).

Appointing a COVID-19 focal point responsible for monitoring and reporting COVID-19 issues and liaising with other relevant parties.

Project Workers

The contractors and sub-contractors, who will be primarily engaging the contracted workers at field level and possibly community workers, will be overseen and managed by the respective PIUs- under the overall guidance of the PIU of this project. At the field level, every contractor will be mandated by contract to deploy at least one EHS officer (Environment, Health, and Safety) per construction package to oversee workers' supervisors managing workers daily. The sub-contractor workers will be supervised by their supervisors and report to EHS

Officers of the main contractor. Table 2 provides details about the engagement and management of project workers.

Table 6: Engagement and Management of Project Workers

Category of Project Workers	Project Workers by Role	Responsible Staff for Executing and Implementing Agencies	Responsible Work Unit
Direct Workers	All IA staff drafted for the project at the PIU and sub-PIUs	Project Director (PD) reporting to the World Bank	PIU
		Additional Project Directors at (APDs) sub-PIUs reporting to PD	Sub-PIU
Contracted Workers	Subject matter specialists and experts supporting PIU	Project Director reporting to IA	PIU
	Subject matter specialists and experts serving with the PMC firm(s)	Project Director reporting to IA	PIU
	All managerial and professionally qualified staff deployed by contractors	APDs, sub-PIUs reporting to PIU	Contractor
	All workers deployed by contractors	APDs, sub-PIU reporting to PIU	Contractor
	All workers of specialized agencies engaged by contractors	APDs, sub-PIU reporting to PIU	Contractor
Primary Supply Workers	Skilled and unskilled laborers for material production, handling, and loading operations at sales stackyards	APDs, sub-PIU reporting to PIU	Contractor

Primary Supply Workers

The project involves civil works for which construction materials (brick, cement, sand, iron bars, etc.) may be sourced from primary suppliers. Suppliers of electrical and sanitary equipment, IT, and communication equipment are not known to involve significant risks of child labor and forced labor.

In the case of construction material suppliers, Contractors shall be required to carry out due diligence procedures to identify if there are significant risks that the suppliers are exploiting child or forced labor or exposing the worker to serious safety issues. In instances where foreign suppliers are likely to be contracted, the Contractor will be required to inquire during the procurement process whether the supplier has been accused or sanctioned for any of these issues and their corporate requirements related to child labor, forced labor, etc. safety. If any risks related to child and forced labor and safety are identified, the Contractor will notify national PIU and address these risks and avoid such suppliers, where possible.

Annexure 1: Outline of Contractor's LMP

Introduction	<ul style="list-style-type: none"> • Contract Package and authorization
Workforce Management	<ul style="list-style-type: none"> • Profile of workforce – work activities, schedule, contract duration, workforce rotation plan, workers' place of stay, workers with underlying health issues • Measures to mitigate risks on account of COVID 19 • Measures to prevent waterborne, airborne diseases and diseases spread by insects (dengue, malaria, etc.) • Contingency plan covering – pre-health check-up, access restrictions, hygiene, waste management, accommodation arrangements, PPE provision, and usage • Reporting and handling of incidents of accidents and COVID-19 cases, training and communication with workers, training, and SOPs on communicating and contact with community
Occupation Health & Safety and Emergency Management	<ul style="list-style-type: none"> • List of work locations, hazards/risks with PPE requirement and numbers • Lists of tasks and work zone critical for hazard prevention • Location of warning signage for hazard prevention • Requirement of first aid boxes and fire extinguishers – task and location wise • Provision of drinking water at worksite • Key person(s) to be contacted during emergency • Protocol for deciding the level of emergency – need for hospitalization, information to authorities, etc. • Process of accident analysis, corrective and preventive measures, and need for reporting
Addressing SEA/SH Risks	<ul style="list-style-type: none"> • Preventive measures – provision of lighting, separate toilet areas for men and women, increased vigil and security arrangement for community sensitive SEA/SH hotspots, if identified by dam authorities. • Sensitizing and awareness of labor on SEA/SH issues, including penalties and legal action against offenders • Awareness about the sensitivity of SEA/SH related complaints management • Notification requirements and method of reporting SEA/SH incidents
Workers Code of Conduct	<ul style="list-style-type: none"> • Preparation of Code of Conduct • Making labor aware of conduct with all the provisions, dos, don'ts, penalties for non-compliance, etc. • Displaying CoC at prominent locations • Signing of CoC by workers
Awareness and Training	<ul style="list-style-type: none"> • Plan for training and awareness covering pollution prevention, OHS, Rights of labor, use of PPEs, accident reporting and emergency management, CoC, SEA/SH, GRM, etc. • Training schedule • Training records
Workers Grievance Mechanism	<ul style="list-style-type: none"> • Details of GRM including contacts • Linkage with centralized GRS of the GoB • Process of receiving, redressing, escalation, reporting back

	<ul style="list-style-type: none"> • Consolidated statement on Grievances (segregated by non-COVID related & COVID related) • Contacts of nearest labor offices of the Department of Labor in the Ministry of Labor and Employment
Monitoring and Reporting	<ul style="list-style-type: none"> • Scope, methodology, and outcomes of supervision and monitoring of LMP, attention issues

Annexure 2: Staff/Consultant Resources for PIUs [under construction]

The following staffing of E&S experts in the respective PIUs is proposed in the ESMF. However, this will be further reviewed before appraisal with IAs before finalizing the ESMF before the appraisal.

SL	Expert's Position	BLPA	RHD	NBR	MOC	Remarks
1	Environmental Specialist (1)	Yes	Yes	Yes	=	Full-time
2	Social Development and Stakeholder Engagement Specialist (1)	Yes	Yes	Yes	Yes	Full time
3	Land Acquisition and Involuntary Resettlement Specialist (1)	Yes	Yes	=	=	Total time for BLPA and RHD
4	OHS and Labor Management Specialist (1)	Yes	Yes	Yes	=	Full time
5	Gender/SEA-SH Specialist (1)	Yes	Yes	Yes	Yes	Full time
6	Lab Analyst (1)			Yes		Total time from the beginning of operation of the laboratory
7	Lab Technician (2)			Yes		Ditto

Annexure 3: Suggested Due Diligence for Social and Environmental Mitigation Measures in Labor Contracts

<i>Stage of Contractual Process</i>	<i>Due Diligence</i>
Before bidding	<ul style="list-style-type: none"> • Ensure that the terms of reference clearly define the supervision engineer’s responsibilities regarding oversight and reporting. • Ensure the team skills in terms of reference include key staff qualified and experienced in managing similar projects and demonstrated capacity to manage social and environmental issues, including community health and safety. • Ensure that the project GRM is established and its use is widely publicized.
Preparation of bidding documents	<ul style="list-style-type: none"> • Review contract conditions included in bidding documents to: <ul style="list-style-type: none"> (i) Ensure that the relevant mitigation measures in the ESMP are reflected and budgeted in the contract, (ii) Ensure the ESMP forms part of and is explicitly referred to in the bidding documents. (iii) 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 (iv) Include a requirement that all workers sign ‘Codes of Conduct’ governing behavior and identify sanctions (v) Identify that training projects on implementing the Codes of Conduct, etc. will be undertaken by external providers • Ensure the contract conditions 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 penalties for poor performance on social and environmental matters or specific Performance Securities for ESMP and CESMP compliance. • Ensure bidding documents clarify the contractor's responsibilities to prepare and adhere to a CESMP based on the ESMP and that no civil works will commence until the supervision engineer has approved the CESMP. • 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 that documents related to the ESMP safeguard implementation capacity for the recommended bidder. Other contractor obligations required to submit the bid are sufficiently detailed and cover the contractual requirements.

	<ul style="list-style-type: none"> • 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 lines of communication and that these are formalized, and that 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"> • Before commencing works, the contractor submits site-specific CESMP(s) based on the ESMP, which includes specific management plans for (i) work activities; (ii) traffic management; (iii) occupational health and safety; (iv) environmental management; and (v) social management.

Annex 4: (Sample) Code of Conduct (CoC)

Preamble

The BLPA/RHD/MOC/NBR Code of Conduct defines labor standards to achieve decent and humane working conditions. The Code's standards are based on national law and accepted good labor practices.

Companies affiliated with the BLPA/RHD/MOC/NBR are expected to comply with all relevant and applicable laws and regulations of the country in which workers are employed and implement the Workplace Code in their applicable facilities. When differences or conflicts in standards arise, affiliated companies are expected to apply the highest standard.

The BLPA/RHD/MOC/NBR monitors compliance with the Workplace Code by carefully examining adherence to the Compliance Benchmarks and the Monitoring Principles. The Compliance Benchmarks identify specific requirements for meeting each Code standard, while the Principles of Monitoring guide compliance assessment. The BLPA/RHD/MOC/NBR expects affiliated companies to improve when Code standards are not met and to develop sustainable mechanisms to ensure ongoing compliance.

The BLPA/RHD/MOC/NBR provides a model of collaboration, accountability, and transparency and catalyzes positive change in workplace conditions. As an organization that promotes continuous improvement, the BLPA/RHD/MOC/NBR strives to be a global leader in establishing best practices for the respectful and ethical treatment of workers and 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 discrimination in employment, including hiring, compensation, advancement, discipline, termination, or retirement, based on 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 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.

Child Labor

No person shall be employed under the age of 14 or the age to complete compulsory education, whichever is higher.

Freedom of Association and Collective Bargaining

Employers shall recognize and respect employees' right 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 work or due to the operation of employers' facilities. Employers shall adopt responsible measures to mitigate the negative impacts that the workplace has on the environment.

Hours of Work

Employers shall not require workers to work more than the regular overtime hours the country's law allows. The regular work week shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest every seven days. All overtime work shall be consensual. Employers shall not request overtime regularly and compensate for all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 60 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 the BLPA/RHD/MOC/NBR to take appropriate actions to realize a level of compensation that does progressively.