



**Government of the People's Republic of Bangladesh**

**Ministry of Youth and Sports (MoYS)**

**Department of Youth Development (DYD)**

**Economic Acceleration and Resilience for NEET Youth Project  
(EARN Project)**

World Bank Project No. P178077

**Labor Management Procedure  
(LMP)**

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## EXECUTIVE SUMMARY

ES 1. This report provides the Labor Management Procedure (LMP) of the Economic Acceleration and Resilience for NEET Youth Project (EARN Project, the Project). The purpose of this LMP is to facilitate planning and implementation of the project by identifying the main labor requirements and risks associated with the project, and to determine the resources necessary to address project labor issues. The LMP will help in determining the resources necessary to address project labor issues to meet the objectives and requirements of the World Bank Environmental and Social Standards (ESSs) on Labor and Working Conditions (ESS2), the National Labor Laws of the People’s Republic of Bangladesh, as well as Occupational Health, safety and Working Condition requirements. The LMP assesses the potential risks and impacts of employment of workers for implementation of Project activities including the training of NEET youth of both genders and proposes mitigation measures in line with ESS2 of the Bank and the national legal framework on labor.

ES 2. Various types of workers (direct, contracted, community workers, and where relevant primary supply workers), their estimated numbers and characteristics have been outlined in this LMP. Major potential and associated environmental and social (ES) risks—such as occupational health and safety (OHS), Gender-Based Violence (GBV) including sexual exploitation and abuse (SEA), sexual harassment (SH), community health and safety (CHS), waste management, discrimination to disadvantaged and the vulnerable groups, communities and individuals for project benefit and engagement, exploitation of child and forced labor as well potential exposure to COVID-19 in current situation have been identified. Given the size of investments at the local level, the potential ES risks and impacts, the capacity and experience of DYD and LGED in managing and mitigating the ES risks and the context under which the project will be implemented, the overall ES risks have been determined to be moderate. However, the involvement with large number of female NEET youth across the country, especially in remote rural areas, the World Bank identifies the SEA/SH risks to be substantial.

ES 3. Provisions of World Bank ESSs, Bangladesh Labor Act 2006 (including Amendments of 2013 and 2018), National Child Labor Elimination Policy 2010, GoB and WHO guidelines for the pandemic of COVID-19 and the Infectious Diseases (Prevention, Control and Elimination) Act 2018 have been studied and cited to meet their requirements and obligations. The LMP includes a community mobilization component, which will be put in place to create an environment for enhanced participation and creative involvement of communities in addressing the risks. Further, conditions of employment, OHS, and CHS are highly relevant and significant for this project as it involves civil works in populated urban areas with resultant movement of workers to and from the works sites.

ES 4. A Grievance Redress Mechanism (GRM) for workers has been provisioned as part of this LMP so that anyone employed in the project can raise their concerns, complaints, or feedback to the attention of the PMU and the implementation partners through the service providers and consultants. Detailed contractor management guidelines have been prepared for the DYD to direct them in the selection, retention, monitoring and guiding of contractors in accordance with the ESS2 and national laws.

ES 5. Requirements of this LMP will form part of the General Specification of Contract of the bidding documents. The preparation and implementation of site-specific Labor Management Plans by the Contractors and Service Providers will be incorporated in the Bill of Quantities (BoQ) as a component of the general items of contract documents.

ES 6. Workers GRM under the project will be developed and implemented to support all project workers; direct, contracted, community and if applicable primary supply workers. In case of direct workers and the community workers (members of CGs), the PMU at DYD will be responsible for addressing worker related grievances. For contracted workers, the contractor and the service providers are obligated under the contract to set up the Workers GRM to redress complaints relating to workers deployed for construction works under this Project. A specialized GRM will be designed and functioned under the project Gender and SEA/SH Action Plan for managing complaints relevant to risks and incidents of SEA/SH.

### Abbreviations and Acronyms

DoE	Department of Environment
ECA	Environment Conservation Act
ECR	Environment Conservation Rules
EDT	Enterprise Development Training
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESF	Environment and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environment and Social Standards
GBV	Gender Based Violence
GDP	Gross Domestic Product
GoB	Government of Bangladesh
GRM	Grievance Redress Mechanism
LMP	Labor Management Procedure
MoYS	Ministry of Youth and Sports
NEET	Not in Education, Employment or Training
O&M	Operation and Maintenance
OHS	Occupational Health Safety
PCC	Project Coordination Committee
PSC	Project Steering Committee
SEF	Stakeholder Engagement Framework
SEP	Stakeholder Engagement Plan
SHE	Safety, Health and Environmental
SIA	Social Impact Assessment
UTC	Upazila Training Centre
YTC	Youth Training Centre
WB	The World Bank

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## 1. INTRODUCTION

1. The Government of Bangladesh (GoB) has approached the International Development Association (IDA) of the World Bank for preparation and implementation of the Economic Acceleration and Resilience for NEET Youth Project (EARN Project, the Project). The objective of the project is to reduce the share of youth, especially women, who are categorized as not in education, employment and training (NEET) in selected rural areas through increasing access to employable skills and enhancing their employability. A total of 250 upazilas (out of 506) are selected based on different criteria and the beneficiaries would include the NEET youth who are 15-35 years aged youth and are not engaged in education and/or any income earning activities at least for last 3 years, completed at least primary level of education; and not covered by any other interventions. Most importantly, this project will create an enabling environment for socio-economic inclusion of youth, especially women, by helping to ease the social barriers; and enhance institutional capacity of state and non-state actors. A total of 1.2 million NEET youth would be directly benefited by the project activities. Also, this project will help GoB in establishing a functional institutional structure, capable of formulating and implementing the envisioned long-term program to facilitate in the country. Once financing is secured from IDA, the project will be implemented by the Ministry of Youth and Sports (MoYS) through the Department of Youth Development (DYD).

### 2.1. Project Background and Description

2. Bangladesh has made rapid social and economic progress in last two decades and reached lower middle-income status in 2015. Officially reported annual growth of Gross Domestic Product (GDP) averaged close to 6 percent since 2000, which is comparatively highest among the South Asian nations. Robust labor market gains contributed to a strident decline in poverty, with the national poverty rate falling from 48.9 to 24.5 percent between 2000 and 2016, while extreme poverty declined from 34.3 to 13.0 percent.<sup>1</sup> The COVID-19 pandemic has put the substantial poverty reduction gains of the past decade at risk, and vulnerability to economic shocks has risen. Estimated poverty increased from 12.1 percent in FY19 to 12.5 percent in FY20, using the international poverty rate (\$1.9 in 2011 PPP). A large share of underserved (economically disengaged) youth, particularly females, hinders Bangladesh from reaping the demographic dividend the country is experiencing. As of 2018, around 47 percent of Bangladesh's population were below 24 years of age. The country will reach its lowest dependency ratio in two decades. An estimated 1.7 million new labor market entrants are expected every year until 2030, more than half of them are female.<sup>2</sup> Overall unemployment rate is 3.1 percent in Bangladesh, while youth (aged 15-29) unemployment rate is 8.9 percent. More concerning is that 27.1 percent of the youth population, around 12.6 million (89.6 percent female), are categorized as NEET (Not in Education, Employment or Training). The main factors contributing to such a large population of NEET youths include barriers to access to and scarce supply of skills development opportunities, especially in remote areas and for low-educated youth, and causes related to ethnic background, disadvantaged groups, and social/gender norms challenges including movement restrictions<sup>3</sup>. The overwhelming

<sup>1</sup> Household Income and Expenditure Surveys, 2000/01 and 2016/17.

<sup>2</sup> Study on Employment, Production and sectoral investment in Bangladesh, GED, Bangladesh Planning Commission (May 2019).

<sup>3</sup> NEET study, World Bank, 2021

share of female NEET youth is a concern in a country where female labor force participation is 36.4% compared to 84.2% for men. A holistic approach is required to promote economic engagement of NEET youth, which goes beyond expanding access to skills development opportunities to include complementary support for entry into the labor market.

3. There is a need for Enterprise Development Training (EDT), Financial Literacy, access to seed financing and other supports for promoting entrepreneurship of the youth. Hence this project is designed to provide a push on the following components:

#### **COMPONENT 1: ENHANCE ACCESS TO RELEVANT SKILLS DEVELOPMENT OPPORTUNITIES**

- Subcomponent 1.1: Promote access to skills development and assisting the secondary dropped-out Youth to Reach the Skill Ladder
- Subcomponent 1.2: Promote participation of most vulnerable (hard to reach and special needs groups) in training and employment

#### **COMPONENT 2: PROMOTE SUPPORT FOR WAGE AND SELF-EMPLOYMENT**

- Sub-component 2.1: Connecting the beneficiaries with employers
- Sub-component 2.2: Internship for eligible beneficiaries
- Subcomponent 2.3: Seed Financing for potential and eligible entrepreneurs

#### **COMPONENT 3: ENABLING ENVIRONMENT**

- Subcomponent 3.1: Community Strengthening, Engagement and Ownership
- Subcomponent 3.2: Communication and awareness
- Subcomponent 3.3: Support addressing social norms and promoting youth programs

#### **COMPONENT 4: ENHANCE INSTITUTIONAL CAPACITY AND PROJECT MANAGEMENT**

- Sub-Component 4.1 – Support institutional capacity development for NEET youth Programs and Project Management
- Sub-Component 4.2 - Project Management, Communications, and Monitoring and Evaluation

#### **COMPONENT 5: CONTINGENCY EMERGENCY RESPONSE COMPONENT**

### **2.2. Project Workers and Issues**

4. DYD under the MoYS will implement the project partnering with other government departments like Local Government Engineering Department (LGED) and Bangladesh Open University (BOU). DYD will engage Service Providers (SPs) selected from large NGOs/CSOs, one for each of the 8 Divisions of the country. The project will support NGOs, CSOs, universities or research organizations with innovation fund and the National Sports Council (NSC), the District Youth Centres (DYC), Bangladesh Kira Sikkha Protistan (BKSP) and Sheikh Hasina National Institute of Youth Development (SHNIYD) with implementation development grant (IDG). Civil works contractors will be engaged for civil & construction works undertaken by LGED and SPs on behalf of DYD. Communities in project areas at local level will be involved through Community Groups (CGs). Project workers – as such – will involve

- (i) direct workers under the PMU at DYD and other implementation partners, (ii) contracted workers with DYD, implementation partners, service providers and contractors, and (iii) community workers to be engaged in the CGs.
5. The majority of the contracted workers will be locally hired, with the exception of skilled workers who may not be found in the local areas. However, potential risks engaged both for the hired skilled and non-skilled workers at construction sites, training venues and offices of the project proponents, service providers and other consultants. Key risks for laborers at construction sites include health hazards, poor living condition, accidents, fire hazards, and the like. Movement and influx of project workers across the country are anticipated to induce social risks including forced labor, child labor, discrimination in employment, wage and working hours, and risks of SEA/SH among the project workers, target group beneficiaries and the surrounding communities. Influx of labor at works sites from outside area may induce price hiking of commodities, housing and common resources.
  6. This project likely to have low labor influx in civil works sites, given most of the project sites are in urban and peri urban areas, with temporary training centers at the village level. However, establishment and operation of the temporary training centres in rural areas and existing youth training centres of DYD may induce the risks of SEA/SH involving the managers, instructors, trainers and supervisors of the service providers, community workers at the CGs and the youth trainees of both genders getting served under the project. Influx of project workers at local level, when added with the operation of training centres, will be for longer time in a higher scale. The project will restrict to unskilled and most of the semi-skilled labor sourced locally. However, the skilled and some semi-skilled personnel and laborers will be recruited from outside. The World Bank has therefore, assessed a substantial risk of SEA/SH of the project.
  7. The project adopts this Labor Management Procedure (LMP) meeting the requirements of the national legal framework on engagement of laborers and the World Bank Environmental and Social (E&S) Standard on Labor and Working Conditions (ESS2) and E&S Standard on Community Health and Safety (ESS4), the guidelines on labor influx and SEA/SH at workplaces. The LMP has also considered application of nationally adopted health protocols to address the COVID-19 outbreak in Bangladesh.

### 2.3. Objectives of Project LMP

8. The project will establish and operate approaches to ensure safe working environment for project workers, communities and the targeted NEET youth of both genders following the national legal framework and the World Bank requirements. This LMP has been developed to achieve the following specific objectives:
  - To highlight and promote workplace safety and health.
  - To promote the 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), contracted workers, primary supply workers and community 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 in a manner consistent with national law.
  - To provide project workers with accessible means to raise workplace grievances.
9. The LMP covers protocol related to the project workers of all categories. The PMU at DYD and LGED will ensure that all the engaged contractors and service providers prepare appropriate plans for labor management for contracted works and adhere to that. This LMP will however, guide DYD, LGED, BOU and grant recipients in managing risks and rights of the project workers as well as the risks of SEA/SH at workplaces. The approach will be assessed as part of the site-specific E&S Management Plans (ESMPs).

## 2. OVERVIEW OF PROJECT WORKERS

10. MoYS through the Project Management Unit at DYD and their implementation partners (LGED and BOU) and Service Providers (at each Division) will undertake civil works, supply and install equipment and tools to establish and operate learning and training centres for the selected NEET youth of both genders. The PMU, the implementation partners and SPs will engage individuals and firm consultants to support core-functions under the Project. Government officials will also be deputed for the Project in the PMU as well as relevant experts and other personnel will be engaged from the market to manage implementation of their respective works, supply, and training contracts. Community Groups (CGs) will be assigned for supporting the mobilization, selection and placement of targeted youth on skills training for employability improvement.

### 2.1. Institutional and Implementation Arrangement

11. MoYS will establish a dedicated Project Management Unit (PMU) at DYD. The PMU, headed by a Project Director (PD), will be responsible for day-to-day project implementation supported by an Additional Project Director (APD), and adequate technical staff and consultants in key areas including project management, project operation, procurement, financial management, communications, social development, policy and research, and monitoring and evaluation.
12. The PMU will enter into partnership with Local Government Engineering Department (LGED) for infrastructure construction, renovation and refurbishment and MIS support and with the Bangladesh Open University (BOU) for operating second change education program. LGED will work through a project implementation unit (PIU) for the project period.
13. At the field level, the PMU will engage Service Providers (SPs) through competitive bidding from large and experienced NGOs and CSOs, one for each Division. SPs will be responsible for managing and monitoring field level activities. The PMU will also hire Communication Firm, IT firm, and Third-Party Evaluation Firm and agency for recruiting project officials and support staff, Upazila Coordinators (UCs) and Union Youth Information Centre (UYIC) staff. Local Community Groups (CGs) will be formed, trained and incentivized to facilitate management of training and training centres.
14. The National Sports Council (NSC), the District Youth Centers (DYCs), the Bangladesh Kira Shikkha Protishthan (BKSP) and the Sheikh Hasina National Institute of Youth Development (SHNIYD) will be supported through an Implementation Development Grant (IDG) and capable NGOs, research organizations or universities will be supported with Innovation Fund for winning innovative proposals of outreaching the most vulnerable communities in the hard-to-reach areas.

### 2.2. Characteristic of the Project Workers

15. The LMP applies to all Project workers including corporate staff with DYD, LGED and BOU whether full-time, part-time, temporary, seasonal, or migrant workers including those employed by the PMU, DYD, LGED, BOU, the SPs, the grant recipients, contractors, sub-contractors, CGs and primary suppliers. The PMU will comprise of Government officials and professionals/consultants in their respective fields. The PMU will employ contracted as well as direct workers. The workers of the SPs and contractors will include unskilled, semi-skilled and skilled personnel and staff and as far as the characteristics of work force in social mobilization, target group identification, learning curriculum, training and instruction,

supervision. It is expected that workers both men and women will be engaged in the designated activities. Primary supply workers will be relevant where contractors will be getting construction inputs and SPs will get training inputs from contracted suppliers on a continuous basis. It is also expected that women would be employed in technical (engineering, planning, and management) and manual jobs in the PMU as well as other service staffs for the Contractors and SPs. 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.

16. **Direct Workers<sup>4</sup>:** People employed or engaged directly by the DYD and LGED, or the PMU 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 DYD and LGED, deployed for the EARN project.
17. **Timing of Direct Workers:** Direct workers are employees of DYD and LGED on the project eligible to work for a fixed contract period as decided by the departments for their respective staff on the project. Contracts will be renewed for an agreed period, such decided, based on project need and satisfactory services.
18. **Contracted Workers<sup>5</sup>:** All workforce procured by DYD, LGED, BOU, the Service Providers, grant recipients and the Contractors and their sub-contractors on the project will be considered contracted workers. These workforces will be contractors' personnel and laborers for project civil works and personnel and staff of service providers and grant recipients on the training and innovation activities.
19. **Timing of the Contracted Workers:** Contracted workers are eligible to work for a contract period fixed by the PMU, and then recruited by the Contractors, the Service Providers and grant recipients. Their contracts will be renewed, if required, based on satisfactory performance.
20. **Primary Supply Workers<sup>6</sup>:** There will be primary supply workers such as those providing aggregates and raw materials for the construction site and consumable inputs for operating learning training centres. People employed or engaged by primary suppliers, who would, on a continuous basis supply goods for the core function of the project. The project will review the involvement of primary supply workers based on method of procuring construction inputs and training consumables.
21. **Timing of the Primary Supply Workers:** Their tenure of service will be based on supplies as procured.
22. **Community Workers<sup>7</sup>:** Members of local will be mobilized into Community Groups (CGs), trained and incentivized to facilitate (i) community mobilization and awareness activities; (ii) participate in beneficiary and trade selection procedures; (iii) motivate and assist the families of the NEET youth; (iii) management of training centers; (iv) overseeing monitoring and evaluation of training and other activities; and (v) establishing community protection mechanism for preventing SEA/SH in training

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<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> Community labor may be provided by the community as a contribution to the project, or participate in project implementation on a voluntary basis as a community driven development approach.

centers. The CG members will be compensated from the project for their time spent on the activities of the CGs.

23. **Timing of the Community Workers:** Their tenure of service will be based on their engagement in specific activities defined in the project operations manual (POM).
24. 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 are 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 properly 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 comprehensible local language, explained and understood including ramifications for non-compliance.
25. 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 apply to such government civil servants. Nevertheless, their health and safety needs have to be considered, and the measures adopted by the project for addressing OHS issues, including those related to COVID-19 infections, will apply to them.

### 2.3. Number of Project Workers

26. The project civil works, supply and installation of training equipment and machinery have been provisioned under the project. The implementing agency will assign their permanent staff at the PMU, headed by a PD. The PMU will have individual specialists to implement the core activities under the project. The implementation partners and service providers will operate with their own and hired personnel and consultants. Table 1 provides an estimate of project workers for the project. A detailed estimated break-down consultancy human resources requirements for the PMU 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 (number) <sup>8</sup>
1.	<b>Direct Workers</b>	187
	<i>PMU, DYD</i>	15
	<i>PMU, LGED</i>	10
	<i>BOU</i>	12

<sup>8</sup> These are estimated figures. which will be revised prior to the implementation process.

	<i>IGD recipients (DYCs, NSC, BKSP &amp; SHNIYD)</i>	<u>150</u>
2.	<b>Contracted Workers</b>	2,230
	<i>a. PMU including ESG Cell, DYD (directly engaged consultants)</i>	7
	<i>b. PMU, LGED (directly engaged consultants)</i>	3
	<i>c. Service Providers</i>	120
	<i>d. Contractors (estimated)</i>	2000
	<i>e. Innovation Grant recipients</i>	<u>100</u>
3.	<i>Community Workers (with village level CGs)</i>	50,000
	<b>Total</b>	52,282

#### 2.4. Timing of labor requirements and their gender

27. The direct workers will be recruited as soon as the project is approved, especially those forming part of PMU. The employment of field level staffs and consultants will be done after Project approval by the Government. Taking into account the nature of the project workforce (unskilled, semiskilled and skilled construction labor, and specialist consultants including instructors, trainers, supervisors) and characteristics of labor force market in Bangladesh, it is not expected that the number of female workers will be high. It is estimated that women would represent about 40 percent of the total workforce, and those would likely be technical/managerial and/or staff working in the operation offices and camps (maids, cooks, cleaners etc.). At least 50% of the community workers and members of CMCs will be women. Policy provisions will be kept for ensuring contracted workers also from disadvantaged and vulnerable communities and groups.

#### 2.5. Information of Contracted Workers

28. The PMU will gather and retain information on engagement of contracted workers under itself, the implementation partners, the service providers and the contractors. The service providers, contractors and any consulting firms engaged for the PMU 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 PMU, which in turn will be made accessible to the parties interested including the World Bank.

29. The format for submittal of workers information will be finalized at the mobilization of the contractors and service providers. The database on personal profile of contracted workers (Rule 19 of BLR 2015) to be maintained by the contractors and service providers and retain with the PMU, will include but not limited to the following:

- Name, gender and age (supported by NID)
- 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 contract
- Tenure of contract and rotation arrangements
- Facilities arranged by service provider/contractor/firm including health check-ups prior to engagement, accommodation (to be specified by contractor)
- Pre-employment check-ups, fitness tests, and health awareness campaign for workers

### 3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

30. The main risks associated with the project workers are assessed to be related to the work environment due to the ongoing COVID-19 pandemic, associated risk of accidents, labour influx and community health and safety including risks of SEA/SH. Followings are some of the potential labour risks (Table 2) associated with this project with suggestions on how to deal with certain problems, if arise:

**Table 2: Potential Risks for and from the Project Workers**

<b>Labour influx</b>	The project is expected to design and implement civil, and refurbishment works to establish and improve training facilities and operate learning and training for the selected NEET youth of both genders. The potential sites will be distributed within mostly peri-urban and some rural areas. There will be minimal labor influx in works sites as the project will employ only a limited number of external workers. However, service providers' personnel like instructors, trainers, supervisors and manages will continue with the community for longer time and continue with the communities in rural and peri-urban areas interacting directly with the female NEET youth for skills training. Generally, specific requirements to manage risks associated with labor influx, related to interaction between project workers and local communities, such as communicable diseases and SEA/SH, are expected to be moderate to substantial and managed through contractual requirements, code of conduct (CoC) and training set out in this LMP. For works amenable to both male, female, persons with disabilities, and other workers from vulnerable groups will be given equal opportunity for employment, equal wages for equal work or standard under the project.
<b>Child Labour</b>	According to the Labor Act 2006, no one below the age of 14 years (minimum age) will be employed as a labor. A child over the minimum age (14) and under the age of 18 may be employed or engaged in connection with the project only if the work is not likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development; an appropriate risk assessment is conducted prior to the work commencing; and the Borrower conducts regular monitoring of health, working conditions, hours of work and the other requirement of ESS2.  During construction period, there is a risk of engaging child labour in different tasks. Contractor will be prohibited to employ anyone under the age of 14 and policies stated above will apply for children aged above 14 and below 18 years for employment.
<b>Forced Labor</b>	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 offence and

	<p>must be prohibited. Surprise and random inspection by the Project will be carried out on a regular basis to ensure ESS2 compliance.</p>
<p><b>Setting up Labor Camp and Workers Accommodation</b></p>	<p>Setting up the labor camps and staff accommodation in the project areas can be a reason of land encroachment; also, solid and liquid waste from the labor camp/accommodation sites and potential community health risk including SEA/SH risks are some of the major risks associated with this issue. Labor camp/staff accommodation 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 these sites. Solid and liquid waste should not be discharged into the water bodies and contractors will instruct workers to maintain clean environment in the camps. There will be a CoC for all workers, that will be enforced. There will be required provision on raising awareness among the communities on STDs, SEA/SH and the project GRMs on workers and SEA/SH related complaints.</p>
<p><b>Sexual Exploitation and Abuse, and Sexual Harassment (SEA/SH)</b></p>	<p>The project’s risk of sexual exploitation and abuse (SEA) and sexual harassment (SH) has been assessed to be “Substantial” requiring measures for prevention and mitigation. Risk of SEA/SH is attributed to the sites of civil works, training venues and offices of the service providers, educational institutions and second chance education centres, implementation partners, PMU and consultant firms engaged under the project. Service providers and contractors will make sure that workers are provided with the necessary SEA/SH orientations and CoCs are signed prior to commencement of works. Adequate measures will be put in place to mitigate SEA/SH risks in and around works sites and learning and training venues for the NEET youth largely women and girls. The project will prepare a Gender and SEA/SH Action Plan (GSAP) following the Bangladesh Labor Rules 2015 and the World Bank Guidance Note on <b>Addressing Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) to manage the risks and incidents of SEA/SH</b>. The Service Providers will ensure that they have appropriate protocols for managing risks and incidents of SEA/SH at work places satisfactory to the PMU and the World Bank. Particular conditions will be put in the bidding and contract documents of the service providers and contractors on assessment and management of gender discrimination and risks and incidents of SEA/SH for operations under the project. The service providers and contractors will prepare their own ESMPs with labor management practices for governing the conduct of all their personnel and laborers 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 along with a SEA/SH GRM defined in the GSAP.</p>
<p><b>Occupational Health and Safety (OHS) and COVID-19 infections</b></p>	<p>The OHS of those involved in the project is a significant issue as COVID-19 is a highly contagious. Hazards include face-to-face interaction with the general public that increase 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 the</p>

	<p>course of 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.</p>
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#### 4. NATIONAL LEGAL AND REGULATORY FRAMEWORK FOR LABOURERS

31. Standards for labor and working conditions in Bangladesh are defined in the labor laws including Bangladesh Labor Act 2006 (BLA 2006), Bangladesh Labor Rules 2015 (BLR 2015), the Occupational Health and Safety Policy 2013 (OHSP 2013), the Public Procurement Rule 2008 (PPR 2008) and National Child Labor Elimination Policy 2010 (NCLEP 2010). The labor laws apply 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 certain provisions apply to tea gardens. It covers contractors (and its operations at construction sites), however, it is not clear if the law applies to development project management, which is inevitable “ad hoc” as regard to implementation with staff that are co-terminus with the project.
32. The BLA 2006 is a comprehensive legislation, and it 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, and injury compensation; and (iii) trade unions and industrial relations. The PPR 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; (ii) to keep the site in an orderly state; and (iii) to protect the environment on and off the site; 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.

##### 4.1. Terms and Conditions of Employment

33. The terms and conditions of employment for the Project workers are governed by the provisions of Bangladesh Labor Act 2006 (amended in 2013 and 2018) (BLA 2006) and National Child Labor Elimination Policy 2010 (NCLEP 2010). The labor law clearly describes all conditions and terms of employment of labor and workforce including wage and salary, termination, redressing, work environment, female worker, recruitment, unionization, child labor and so on. Some of the salient features of labor laws are discussed herein.
34. **Working hours:** BLA 2006 provides 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 normal working hour*), working hour for women (*no work between 10 PM to 6 AM without her consent*) and leave entitlement [Chapter IX]. The employer is required to maintain overtime register and pay the worker, overtime, double the rate of his/her usual wages i.e., basic & dearness allowance, if any.
35. **Wages:** Public sector laborers’ wages<sup>9</sup> are set by the National Pay and Wages Commission 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.

<sup>9</sup> 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.

36. Every employer is responsible for the payment of wages to laborers employed by them. In case where the wages of a worker employed by a contractor are not paid by the contractor, the wages must be paid by the employer of the establishment. The maximum wage period is one month. The wages of every worker must be paid before the expiry of the 7<sup>th</sup> 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 BLA 2006, rather it sets a procedure for fixing industry-wise minimum wage rates.<sup>10</sup>
37. 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 30<sup>th</sup> 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 bank account of the worker or through any other digital medium. Wages must be paid on a working day. No deduction can be made from the wages of a worker except those authorized by the Labor Act in its section 125.
38. **Employees Union and Industrial Relations:** The workers shall, without distinction whatsoever, have the right to form trade union primarily for the purpose of regulating the relations between workers and employers, or between workers and workers and, subject to the constitution of the union concerned, to join trade union of their own choice. 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%.
39. **Regular leaves and benefits:** According to Act 2006, every worker must enjoy paid sick leave, casual leave, and festive holiday. The laborers would get festival allowances as per the rules, and laborers of the export-oriented and foreign exchange earning industries would enjoy the facilities from the central group insurance policy. Laborers, if they wish, can enjoy weekly holiday merging with festival holidays. On any festival holiday, a worker can be asked to work in exchange for one-day alternative holiday and compensation allowances equivalent to wages of two days.
40. **Maternity leave:** Female worker will get paid maternity leave. An expectant mother would be entitled to 8-week maternity leave and other benefits within three days of submission of necessary documents. Maternity leave was made mandatory since 2018.
41. **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 resolving any kind of disputes and unfairness also.
42. **Notice periods:** A permanent employee at a company must give his employer 14 days' notice if s/he wishes to quit or one month notice if the employee is paid monthly. Termination is considered a

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<sup>10</sup> Minimum wage rates are declared by the Government on an industry basis following recommendations by the Minimum Wages Board (MWB), a specialist tripartite board established under section 138 of the BLA 2006. In making its recommendation, the Wages Board takes into consideration 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. The MWB is obliged to revise its recommendations if any of the criteria change (within 1-3 years). The minimum rates of wages for any industry may be re-fixed after every five years as may be directed by the Government. 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 fine up to BDT 5,000 or by both.

“discharge” in the case that an employee is fired for reasons of 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 must give justification when they do terminate on 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.

43. **Conditions of employment and service.** It mandatory for the employers to provide workers with Appointment Letter, Identity Card and a Service Book (**Articles 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 (**Article 9**). Leave Procedures are illustrated in **Article 10**. Termination of employment is described in **Article 26** for both permanent and temporary workers. No children below the age of 14 years can be employed and working children between the age of 14 and 18 years should not be engaged in any work hazardous to their health and wellbeing (Section 10 (a) of NCLEP 2010).
44. **Wages and calculation of wages.** **Article 123** of BLA 2006 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 is payable). **Article 125** defines the cases where deductions may be made from wages.
45. **Condition of minimum wage rate.** **Article 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 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, travelling and subsistence allowances and the issue of protective clothing.
46. Upon receiving the Project contract, the Contractor shall certify in writing that the wages, hour 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 worker’s register which will be available for inspection during working hours for the Inspector appointed by PMU, other interested parties and the World Bank.
47. In ensuring full compliance with the law in this regard, the Contractor will be required to furnish PMU with copies of the Service Book or copies of contract of all its workforce. Contractors will not be allowed to deploy any employee to work in the project if such copy of employment of that employee has not been handed to PMU. The Contractor also is obliged by the law to allow workers to form trade unions subject to the provision of BLA 2006.
48. 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. It will be a material term of the contract to allow PMU to withhold payment from contractor should the contractor not fulfill their payment obligation to their workers.

## 4.2. Occupational Health and Safety of Workers

49. Generally, the management of community health and safety of development projects is covered under Environmental Conservation Act 1995 (ECA 1995) and Environmental Conservation Rules 1997 (ECR 1997). Typically, OHS measures extend to the general public at construction sites.
50. There are two components of OHS. One is the physical safety of project communities who are exposed to the project activities during construction and operation, including risks of accidents and risks of violence due to increase in crimes and cultural conflict between locals and migrant population. The other pertains to the exposure and/or increased risks of diseases by the community due to influx of people during construction and operation and due to the changes in the project area, including pollution and ecological change. The physical safety aspects are partly addressed by the OHS provisions of Labor Act. Other laws have specific provisions that address part of ESS4.
51. 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 of various kind 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 and medical personnel, the full potential of this infrastructure has never been realized.
52. There are two kinds of formal means by which health, safety and welfare obligations can be enforced. The first using powers provided to inspectors to require improvements to make; and second through the use of criminal prosecutions. ‘Factory Inspectors’ of the Department of Inspection of Factories and Establishments (DIFE) are given certain powers to take steps requiring improvement if inspectors believe certain circumstances exist.
53. **Health and Safety Offences:** There are five offences in the BLA 2006 specifically 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).
54. Besides, there is a ‘catch-all’ offence that 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 BDT 1,000 or both (Section 307). This offence would, for example, apply to any breach of the obligations involving health, safety and welfare, not already covered by the offences above. A repeat conviction for the same offence can result in double the fine or sentence of imprisonment (Section 308).
55. When there has been a breach of a duty imposed upon an employer, any one of 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 offence has been committed without his knowledge.

### 4.3. World Bank E&S Standards on Labor and Community Safety

56. The World Bank Environmental and Social Standard on Labor and Working Conditions (ESS2) recognizes 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 enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.
57. The ESS2 is applicable to project workers refers including direct workers (people employed or engaged directly by the Executing Agencies), 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 primary suppliers) and community workers (people employed or engaged in providing community labor).
58. 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 the fair treatment, non-discrimination, and equal opportunity of 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 in a manner consistent with national law.
  - To provide project workers with accessible means to raise workplace concerns.
59. The World Bank Environmental and Social Standard on Community Health and Safety (ESS4) addresses the health, safety, and security risks and impacts on communities and measures to avoid or minimize such risks and impacts, with particular attention to people who, because of their particular circumstances, may be vulnerable. The risk of SEA/SH at community level is attributable to influx of project workers and vulnerability of the community people.

### 4.4. Other International Guidelines

60. 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 \(Directive 89/391\)](#)

#### 4.5. COVID-19 Response Guidelines

61. 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>.

#### 4.6. National System and World Bank Standards

62. The national system of labor management at workplaces is comprehensive compared to the World Bank ESS2 requirements except that the law does not require any labor management plans before project approval. Workers' grievance redress system is not amenable to quick resolution other than collective bargaining, where exists. The key gaps of the government system with the World Bank ESS2 and measures managing the gaps have been presented in Table 3 and Table 4 respectively.

**Table 3: Main gaps of government system against World Bank ESS2**

WB ESF Standard	Gaps of the Government Labor Act
ESS2: Labour and Working Conditions	(i) The Labour Act does not specifically require that development projects be assessed and reviewed in terms of labour and working conditions including OHS requirements before approval.  (ii) The Labour Act does not require development projects to prepare Labour Management Plans/Procedure or OHS Plan.
ESS4: Community Health and Safety	Covered under ESIA but the systems do not provide clear requirements for the development project and implementation. Health issues are within the purview of MoHFW, but it is currently not involved in project preparation and oversight.

63. Conformance of the national labor law with the key requirements of the World Bank ESS2 has been summarized in the Table 4 hereunder.

**Table 4: Conformance of the Labor Laws 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 important provisions prohibiting discrimination based on sex and disability, including equal wages for equal work.	No steps required.
Timely payment	Wages must be paid before the expiry of the 7 <sup>th</sup> working day after the last day of the wage period.	No steps required.
Working hours and overtime	48 hours per week extendable up to 60 hours with 12 hrs. overtime.	No steps required.

Key Elements of ESS2	Provisions in the Labour Act	Steps planned
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 labour and child labour	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 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 labour are banned.	No steps required.
<b>Protection of Workers</b>		
OHS	The law provides for comprehensive OHS and empowers DIFE to conduct inspections of establishments and to impose penalties for violations or non-compliance.	No steps required.
Children at the Working Age	Children (14 - 18) shall be assigned only light work and not be assigned to hazardous tasks.	No steps required.
Women	8 weeks paid maternity leave for expectant mothers is mandatory.	No steps required.
Person with Disabilities (PWD)	Person with Disabilities (PWD) Rights and Protection Act 2013 provides for rights to discrimination-free employment opportunities.	The LMP incorporated necessary provisions and actions.
Migrant Workers	No special provisions for migrant workers	No steps required.
Contractor Workers	In the case where the wages of a worker employed by a contractor are not paid by the contractor, the wages must be paid by the employer of the establishment.	No steps required.
Community Workers	The labour 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 labour supply contracting agency will have to be formally registered, and workers should first be the responsibility of the contracting agency.	No steps required.
Supplier/ Supply Workers	The law does not assign any responsibility to the project on the supplier's labourers and their working conditions. Workers of suppliers will have to be the responsibility of the suppliers.	The LMP incorporated necessary provisions and actions.
Freedom of association and collective bargaining	Employees are allowed to form a union with at least 20% of the employees participating, but the government does not permit any unionization in the Export Processing Zones.	No steps required.
Access to a grievance redress mechanism	Employees can seek direct civil law redress from the Labour Courts for complaints regarding terms and conditions employment and wages.	The LMP incorporated necessary provisions and actions.

Key Elements of ESS2	Provisions in the Labour Act	Steps planned
	<p>While health and safety, maternity welfare and child labour offences are subject to criminal prosecution.</p> <p>In general, there is institutional GRM for labour in Bangladesh as per the standards/provisions of the Bank's ESS2.</p>	

## 5. RESPONSIBLE STAFFS AND PROCEDURES

64. Various aspects of the responsibility with respect to worker management is described in detail in the ESMPs. The summary of responsibility with respect to labor issues is appended below:
65. **Overall Management:** The PMU, DYD together with LGED have the overall responsibility to oversee all aspects of the implementation of the LMP including to ensure contractor compliance. The PMU will address and ensure all LMP aspects as part of procurement for intervention as well as during staff induction. The PMU, Consultant Firm(s) and Contractors (including Subcontractors) will be responsible for management of workers' (including trainer, staffs etc.) issues in the field. The Contractor will be required to develop, adopt and implement a written Labor Management Plan as part of 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. The PMU will supervise implementation of the Labor Management Plan by the Contractors and Consultant Firm(s).
66. **Occupational Health and Safety (OHS):** Contractors and any Consulting firms will ensure day-to-day compliance with acceptable safety measures and will record safety incidents. Minor incidents are reported to PMU on a monthly basis and reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately. Contractors will Develop 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 man-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 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 PMU will ensure that the Environmental and Health Safety Guidelines (EHSG) along with the ILO Convention 167: Safety and Health in Construction Convention, 1988 which is adopted certain proposals with regard to safety and health in construction are adopted and followed. Contractors must engage a minimum of one safety representative/officer and prepare and enforce a Life and Fire Safety protocols consistent with GIIP as part of the C-ESMP.
67. **Labor and Working Conditions:** Contractors will comply with the provision of labor conditions including non-discrimination, wages, safer working conditions, etc. The PMU will carry out periodic monitoring to ensure that labor working conditions are met as per national legislation. The awarded contractors will keep records in accordance with specifications set out in this LMP. The PMU may at any time require records to ensure that labor conditions are met. The PMU 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.

- 68. Labor Camps and Camp Management:** Setting up the labor camps in the project areas can be a reason of land encroachment; also, solid and liquid waste from the labor camp and potential community health risk including SEA/SH risks are some of the major risks associated with this issue. Labor camp 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 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 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 PMU will review records against actuals at a minimum monthly basis and can require immediate remedial actions if warranted.
- 69. Workers Grievances:** A Grievance Redress Mechanism (GRM) has been detailed with this LMP including the setup of Grievance Redress Committees (GRCs). Contractors will be required to abide by the provisions of the GRM. The Environmental Specialist and the Social Development Specialists of the PMU and the PMC will review records on a monthly basis. PMU 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 a separate document apart from the Project level GRM, though personnel in the committees (GRC) on both the GRMs may have overlapping functions. Reporting channels for the GRMs may also be same.
- 70. Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) and communicable diseases:** PMU, Consulting Firm(s) and Contractors will be fully responsible to ensure that their personnel know and are trained on their obligations with respect to avoidance of any form of SEA-SH, safe disposal of waste (PPEs etc.) and reporting of communicable diseases if they contract any, especially during COVID-19 situation. Continuous motivation, monitoring and reporting on the same is the responsibility of the PMU. The PMU will have a monitoring team to ensure the same.
- 71. Waste Management, Communicable Diseases:** Contractors will be fully responsible to ensure that their workers know and are trained on the national laws, safe disposal of wastes and reporting of communicable diseases including the COVID-19, if they contract any. Continuous motivation, monitoring and reporting on the same is the responsibility of the Contractors. The PMU will have a monitoring team to ensure the same. The PMU 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.
- 72. Additional Training:** PMU, implementation partners, servicers, consulting firm(s) and contractors are required to ensure that the assigned personnel are adequately trained and briefed with overall health and safety arrangement, use of equipment, GRM procedure, working conditions of the project. Training on use of hygiene facilities and behavior, SEA-SH and preparation and obtaining signed code of conduct (CoC) are also their responsibility. Workers will also be briefed on CoC in local language before a certifier assigned by the contractors and authorized by the PMU.
- 73. Raising awareness.** The project will take initiative to organize sessions on raising awareness of the communities on issues relevant to the project's compliance and standards (e.g., labor standards,

gender-based violence 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	DYD/MoYS	DYD/MoYS	DYD/LGED/SPs	MoYS
ESS4: Community Health and Safety	DYD/MoYS	DYD/MoYS	DYD/LGED/SPs	MoYS

## 6. PROJECT POLICIES AND PROCEDURES OF EMPLOYMENT OF LABOR

74. Project's policy and procedures for employment of contracted workers have been designed following the national legislatives on engagement and management of labor including BLA 2006, BLR 2015, PPR 2008, OHSP 2013, NCLEP 2010, and the Communicable Diseases (Prevention, Control and Eradication) Act 2018 [CD(PCE)A 2018] as well as Guidelines of the Directorate General of Health on addressing COVID-19 issues. The policy and procedures have also been supplemented with unique requirements of the World Bank ESS2 and ESS4 and guidance notes on labor influx and SEA/SH risk management. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and non-discrimination concerning any aspects of the employment relationship and labor influx in the community of project sites of civil works and operations of learning and training centres.

### 6.1. Equal Opportunity for All

75. Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. All recruitment and hiring of project workers for the PMU, the implementation partners, service providers, the contractors and sub-contractors/suppliers, 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 will all be treated without any discrimination for any particular situations of the employees. Most environmental and social impacts of sub-projects resulting from activities directly under the control of contractors and service providers will be mitigated directly by the same contractors or service providers. As a consequence, ensuring that contractors and service providers effectively mitigate project activity related impacts is the core of the project's approach.

### 6.2. Restrictions on Forced Labor

76. Under no circumstances, the PMU, the implementation partners, service providers, contractors, suppliers or sub-contractors shall 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, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis can be referenced or annexed to the site specific LMPs of the service providers and contractors, together with any other supporting documentation.

### 6.3. Occupational, Health and Safety

77. The occupational health and safety (OHS) procedure has been adopted for the project as illustrated in the BLA 2006, the World Bank Environmental and Health Safety Guidelines (EHSG) and ESS 2 (Labor and Working Conditions), Communicable Diseases (Prevention, Control and Eradication) Act 2018 as well as guidelines to address COVID-19 issues will be referenced all activities under the Project. The

PMU will ensure that the implementation partners, service providers, contractors and consultant firms are:

- Complying with legislation and other applicable requirements which relate to the OHS hazards.
- Enabling active participation in OHS risks elimination through promotion of 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 with emphasis on individual OHS responsibilities.
- Availing this policy statement to all interested parties at all IA facilities and sites.

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

- Identify potential hazards.
- In collaboration with the Contractor, investigate the cause of accidents at the workplace.
- Inspect the workplace with a view to ascertaining the safety and health of workers provided that the employer is informed about the purpose of the inspection.
- Accompany an inspector whilst that inspector is carrying out the inspector's duties in the workplace.
- Attend meetings of the safety and health committee to which that safety and health representative is a member.
- Make recommendations to the 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 in respect of any safety and health matters affecting the workers.

79. 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), as appropriate.
- Ensure availability of first aid box.
- Provide workers with access to toilets and potable drinking water.
- Ensure provision of voluntary reporting of any COVID-19 or other symptoms and arrange for health emergency services.

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

81. The service providers will have their own/hired staff for managing OHS and Community Health and Safety (CHS) issues including the risks and incidents of SEA/SH in their teams for core function of their assignment under the project. The service providers will be made to respond to project GSAP for eliminating discrimination for gender and vulnerability and managing risks and incidents of SEA/SH at workplaces.

#### 6.4. Risks and Incidents of SEA/SH

82. The BLR 2015 under Rule 361 Ka defines SEA/SH and reflects the High Court Division's landmark directives 2009 on Sexual Harassment at workplaces. Given the educational institutions and skill building/training mechanism deploy workers (as teachers, trainers, and supporting staffs), this rule apply for the educational institutions as well. Responding to the labor laws and the requirements of the World Bank on managing risks of SEA/SH at workplaces, contractors and service providers will maintain labor relations with local communities through Codes of Conduct (CoC) for acceptable standards of behavior. The CoC includes sanctions for non-compliance, including non-compliance with specific policies related to SEA/SH (e.g., termination and recourse to legal system). The CoC will be written in plain local Bangla language and endorse 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 serious consequences, up to and including dismissal, or referral to legal authorities.

83. A copy of the CoC shall be displayed in a location easily accessible to the project workers, beneficiary community and project-affected people. Contractors and service providers will 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 offence which 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.

84. The service providers will adopt the approach and system of SEA/SH risks and incidents management in a manner satisfactory to the community, the project proponents and acceptable to the World Bank.

#### 6.5. Age of Employment

85. Section 34 of BLA 2006 mentions that no child shall be employed to work in any occupation. Section 44 mentions that anyone under age 14 is considered as child and under 18 but over 14 is considered as adolescent. World Bank ESS2 strictly prohibits child labor and clearly mentioned that the minimum age of 18 years is required for anyone to get employment in such works. Section 37 of BLA 2006 suggests a fitness certificate required for adolescents to get employed and they can be appointed to do the light works and less work hours.

86. According to the World Bank standards and guidelines, the minimum age of employment for this project shall be 18 years (given the potential hazardous situation posed by COVID-19) and to ensure ESS2 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 contractors or service providers employs a person under the age of 18 years, measures to address the same will be taken by PMU at DYD and PMU at LGED.

## 6.6. Workers' Organization

87. The BLA 2006 (Section 176) and the WB ESS2 ratifies the Rights of Workers, guarantees all workers of their rights to freely form, join or not join a trade union for the promotion and protection of the economic interest of that worker; and 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 suggest collective bargaining agent (CBA) to negotiate representing the welfare society of workers.
88. Paragraph 16 of ESS2 noticeably indicates that in countries where national law recognizes workers' rights to form and to join workers' organizations of their choosing and to bargain collectively without interference, the project will be implemented in accordance with 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 in a timely manner. 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.

## 7. OTHER RELEVANT FEATURES OF LABOR LEGISLATIONS, POLICIES AND GUIDELINES

### 7.1. National Legal Framework Requirements

89. The Bangladesh Labor Act, 2006 amended as of 2019 provides guidance on the terms and conditions of employment including the basic 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 if any 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

90. The BLA 2006 specifically details the safety and working condition 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 with the inspection requirement of these installations and actions to be taken if these are found unsafe for workers.
- **Fencing of machinery, machinery in motion, automatic machines.** Details the fencing and safety requirement to be set around dangerous machinery.
- **Floors, Stairs and Passages.** Sets out the construction and setup requirement for safe access and ease of use.
- **Excessive weights.** Illustrates that no excessive weights 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 work area.
- **Personal protective equipment (PPE).** It is mandatory the employer to supply workers with quality PPE including helmet, gloves, boot, etc. This is also very essential given the COVID-19 outbreak. Every worker shall be made aware of the hazards of work through training in order to ensure the protection and safety of his professional health in the place of work.

91. The BLA 2006 provides special provision 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 on accident:** Makes it mandatory to report any accident in workplace.
- **Notice on diseases:** If any worker is infected with any disease listed to be contagious (Schedule II), it is mandatory to notify, and the employer is obligated to treat the worker.
- **Restriction to employ women worker:** Specific assignments listed as per requirement of the Article 39, 40 and 42 are not allowed for women and the articles 45 (1), 45(2) and 45 (3) specifically emphasizes restriction on engagement of women worker in those assignments.
- **Restriction to employ children and adolescents:** Employment of children and adolescents is prohibited under articles 34 (1) and 34(2) while articles 39, 40, 41-44 provides requirements in relation to employment of project workers particularly children and adolescents.

92. The BLA 2006 in Chapter X provides guidance on *wages and payment as follows*:

- **Responsibility for payment of wages:** Every employer shall be liable to pay to workers employed by him/her 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 wages of a worker employed by the contractor is not paid 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.

93. Chapter XII of BLA 2006 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 an accident arising out of the course of his/her employment.

94. Chapter XXI provides miscellaneous issues and requirements importantly obligations of workers and conduct towards women. Article 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 for the purpose of securing the health, safety or welfare of the workers therein.
- b. Willfully or without reasonable cause do anything which is likely to endanger himself or any other person.
- c. Willfully neglect to make use of any appliance or system provided in the establishment for the purposes of securing the health or safety of the workers therein.

95. Article 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 which is repugnant to the modesty or honor of that woman.

## 8. WORKERS GRIEVANCE REDRESS MECHANISM

96. Workers who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns.
97. The Labor Act 2006 Article 33 provides for the formal grievance procedure in case a worker who has been laid-off, retrenched, discharged, dismissed, removed, or otherwise terminated from employment. Article 202 (Subsection 24) describes the responsibilities of a Collective Bargaining Agent (CBA) especially bargain with the employer in matters of the conditions of work or environment of work of the workers and conduct 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.
98. **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.
99. **Contracted Workers:** The Service Providers, Consulting Firm(s) and Contractors of under the PMU will be obligated to set up a workers GRM, specially to redress complaints relating to workers deployed for construction works and operating learning and training program under the project. The Workers GRM will have due representation of respective PMU, Contractors' workers, and women (either from PMU/contractor/workers) and function under PMU. The mandate for GRM, institutional arrangements, procedure for receiving complaints, time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be finalized during the approval of C-ESMP by the PMU with assistance from the national PMU. The GRM will be set up at mobilization of the contractors and engagement of the SPs. The service providers, contractors 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.
100. In COVID context, the nature of complaints will be particularly time-sensitive and sensitive in terms of confidentiality. Hence, Contractor should consider streamlined procedures to address specific worker grievances, which would allow workers to quickly report labor issues, such as a lack of PPE, lack of proper procedures or unreasonable overtime, and allow the workers to freely report, respond and take necessary action.
101. The responsible person (preferably a Labour Specialist) at the PMU will provide implementation and capacity building support to manage 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 category 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 PMU. 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.
102. 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 resolution of grievances.

103. The Workers GRM will be described in workers induction trainings, which will be provided to all category of project workers. The detail induction training plan and content has been provided in the ESMF. The mechanism will be based on the following principles:

- The process will be transparent and allow all category of 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 to use conciliation procedure provided in the BLA 2006 or recourse to legal means.

104. The PMU will outline workers GRM, in the form of a handout, explaining in local language about institutional set up and representation, timing and procedure for receiving complaints, mechanism of handling complaints, maximum time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof. The PMU 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) or the Communications Consultant at the PMU. The report on workers GRM will be disseminated to the workers on a regular basis and shared with the World Bank periodically.

105. **Management of Gender and SES/SH Related Complaints.** Gender based discrimination is to be strictly prohibited and monitored by the PMU of the Project. The PMU will, with support from E&S specialists/consultants, identify issues of SEA/SH associated with the investments by the PMU. In case the PMU, the implementation partners, service providers and the contractors 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.

106. Reference to World Bank Good Practice Note on **Addressing SEA/SH in IPF** will be made to prepare a Gender and SEA/SH Action Plan for governing the conduct of all employers and 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 and attend incidents of SEA/SH.

107. The PMU 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 PMU will

also prepare periodic reports on the grievance resolution process and publish these on their respective official websites as admissible under the centralized national Grievance Redress System (GRS) of the Government of Bangladesh. SEA/SH related complaints and incidents will be recorded and handled with full confidentiality as per consent of the complainants.

### 8.1. Disciplinary Procedure

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

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

109. The PMU and PIU 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 to lead witnesses.
- e. If an employee fails to attend the hearing the employer may proceed with the hearing in the absence of the employee.
- f. The hearing must be held and concluded within a reasonable time and is to be chaired by an impartial representative.

110. If an employee is dismissed, it must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal. Therefore, it is incumbent upon the Contractors to ensure that they have a disciplinary procedure 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 treated unfairly.

### 8.2. Individual Grievance Procedure

111. Every employer, including contractors, to have a *Formal Grievance Procedure* which should be known and explained to the employee.

112. 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.

113. 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 at a minimum comply with these requirements. Besides, good international practice recommends that the procedures be transparent, is confidential, adheres to non-retribution practices and includes right to representation. After they are engaged, they will be required to produce proof that each employee has been inducted and signed that they have been inducted on the procedure.

### 8.3. Collective Grievances and Disputes resulting from the negotiations of Collective agreements

114. 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 is 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 issues that are not resolved through consensus. In the type of disputes, if the dispute is not resolved at the workplace, the parties to the dispute can utilize the dispute resolutions mechanisms provided for in the labor legislation.

## 9. ENGAGEMENT AND MANAGEMENT OF CONTRACTORS AND SERVICE PROVIDERS

### 9.1. Requirements for Contractors and Service Providers

115. Any Contractor/Service Provider selected for the Project must be a legitimate and reliable entity and must have their own labor management procedure and practice materially consistent with the requirement of ESS2. They should also have corporate protocols covering workplace incidents of SEA/SH and managing the risks of SEA/SH. 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.
116. The project requires that contractors monitor, keep records and report on terms and conditions related to labor management. The contractor must provide all category of 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 temporarily. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to the IAs and the World Bank. An outline of the contractors' labor management plan to be included in the Contractors ESMP is attached at Annex-1.
117. The contractual agreement will also require inclusion of measures in light of the COVID-19 situation. They will include:
- Provision of adequate measures for the workers working under 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 condition 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 dealing 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](#).
118. Appointing a COVID-19 focal point with responsibility for monitoring and reporting on COVID-19 issues and liaising with other relevant parties.
119. The Service Providers should enhance their own and in case of absence develop protocols for managing workplace situations of SEA/SH among the employees serving the project and safeguarding the targeted trainees and their community with a conducive training environment.

### 9.2. Project Workers

120. 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 PMU under the overall guidance of PMU 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 on daily basis. The sub-contractor workers will be supervised by their own supervisors and report to EHS Officers of the main contractor. Table 6 provides details about engagement and management of project workers.

**Table 6: Engagement and Management of Project Workers**

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

### 9.3. Primary Supply Workers

121. The project involves civil works for which construction materials (brick, cement, sand, iron bars, etc.) maybe 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.

122. In case of construction material suppliers, Contractors shall be required to carry out due diligence procedure to identify if there are significant risks that the suppliers are exploiting child or forced labor or exposing 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 also their corporate requirements

related to child labor, forced labor, and safety. If there are any risks related to child and forced labor, and safety identified, the Contractor will notify national PMU and will address these risks and may avoid such suppliers, where possible.

Annexure 1: Outline of LMP for Service Providers and Contractors

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

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

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

The following staffing of E&S experts in the respective PMU are proposed in the ESMF. However, this will be further reviewed before appraisal with IA before finalization of the ESMF prior to appraisal.

SL	Expert's Position	MoYS	Remarks
1	Environmental Specialist (1)	Yes	Full-time
2	Social Development and Stakeholder Engagement Specialist (1)	Yes	Full time
4	OHS and Labor Management Specialist (1)	Yes	Full time
5	Gender/SEA-SH Specialist (1)	Yes	Full time
6	Lab Analyst (1)	Yes	Full time

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

<b>Stage of Contractual Process</b>	<b>Due Diligence</b>
<b>Before bidding</b>	<ul style="list-style-type: none"> <li>• Ensure that the terms of reference clearly define the supervision engineer’s responsibilities regarding oversight of, and reporting.</li> <li>• Ensure the team skills in the terms of reference include key staff qualified and experienced in managing similar projects, and demonstrated capacity to manage social and environmental issues, including issues on community health and safety.</li> <li>• Ensure that the project GRM is established, and its use is widely publicized.</li> </ul>
<b>Preparation of bidding documents</b>	<ul style="list-style-type: none"> <li>• Review contract conditions included in bidding documents to:               <ul style="list-style-type: none"> <li>(i) Ensure that the relevant mitigation measures in the ESMP are reflected and budgeted in the contract,</li> <li>(ii) Ensure the ESMP forms part of and is explicitly referred to in the bidding documents.</li> <li>(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</li> <li>(iv) Include a requirement that all workers sign ‘Codes of Conduct’ governing behavior, and identifying sanctions</li> <li>(v) Identify that training projects on implementing the Codes of Conduct, etc. will be undertaken by external providers</li> </ul> </li> <li>• 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 the form of penalties for poor performance on social and environmental matters or specific Performance Securities for ESMP and CESMP compliance.</li> <li>• Ensure bidding documents make clear the responsibilities of the contractor to prepare and adhere to a CESMP based on the ESMP and that no civil works will commence until the CESMP has been approved by the supervision engineer.</li> <li>• 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.</li> <li>• Propose Key Performance Indicators (KPIs) for Contract Management, reflecting issues and risks specific to the contract and the monitoring plan.</li> </ul>
<b>Bidding evaluation</b>	<ul style="list-style-type: none"> <li>• Review the Borrower’s bid evaluation report and request to review the bids where appropriate, to verify for the recommended bidder that documents related to the ESMP, safeguard implementation capacity, and</li> </ul>

	<p>other obligations of the contractor required to be submitted with the bid are sufficiently detailed and cover the contractual requirements.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Verify that the contract management framework identifies lines of communication and that these are formalized, and a consistent record is provided.</li> <li>• Ensure that the contractor meets the project’s OHS requirements for capability and experience.</li> </ul>
<b>After contract signing</b>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>

## Annex 4: Sample Code of Conduct

### Preamble

The DYD Code of Conduct defines labor standards that aim to achieve decent and humane working conditions. The Code's standards are based on national law and accepted good international labor practices. DYD with the help of consultants, will develop and adopt workers code of conduct (CoC) specific to works sites and venues for managing training and second chance education and job fairs for the target beneficiaries covering workers' rights and responsibilities and descent behavior relevant to exploitative sexual advance and approaches. Project operations manual and subsequent contract specific ESMPs will include CoC for signing by the workers deployed at works sites and venues of training, education and job fairs under the project.

Organizations affiliated with the MoYS and DYD under the Project are expected to comply with all relevant and applicable laws and regulations of the country in which workers are employed and to implement the Workplace Code in their applicable facilities like workplaces including project management, civil works sites, program management for training and second chance education, and the like. When differences or conflicts in standards arise, affiliated companies are expected to apply the highest standard.

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

The MoYS provides a model of collaboration, accountability, and transparency and catalyzes positive change in workplace conditions. As an organization that promotes continuous improvement, the MoYS strives to be a global leader in establishing best practices for the respectful and ethical treatment of workers, and in promoting sustainable conditions through which workers earn fair wages in safe and healthy workplaces.

### Employment Relationship

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

### Non-discrimination

No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, 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 any physical, sexual, psychological or verbal harassment or abuse.

**Forced Labor**

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

**Child Labor**

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

**Freedom of Association and Collective Bargaining**

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

**Health, Safety and Environment**

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

**Hours of Work**

Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country. The regular work week shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest in every seven days. All overtime work shall be consensual. Employers shall not request overtime regularly and shall compensate 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 MoYS to take appropriate actions that seek to progressively realize a level of compensation that does.