

Federal Democratic Republic of Ethiopia



Ministry of Water and Energy

And

Ministry of Irrigation and Lowlands Development

**Ethiopia - Horn of Africa - Groundwater for Resilience
Project**

Labor Management Procedures (P174867)

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Contents

1. Project Background.....	1
2. Project components.....	1
3. Rationale of the Labor Management Procedure.....	2
4. Overview of labor use in HoA- GW4RP	2
4.1. Project Workers	3
4.2. Timing of Labor Requirements.....	5
5. Key Labor Risks and Mitigation Measures.....	5
6. Overview of Ethiopian Labor Legislation: Terms and Conditions	14
6.1. Minimum Age for Employment and Prohibition of Child and Forced Labor.....	14
6.2. Provisions Related to Women.....	16
6.3. Leaves	16
6.4. Sexual Harassment and Violence.....	17
6.5. Wages.....	17
6.6. Hours of Work	18
6.7. Brief Overview of Labor Legislation on the Occupational Health and Safety	18
6.7.1. Benefits in the Case of Employment Injuries	20
6.8. The World Bank Environmental and Social Standards: ESS 2 on Labor and Working Conditions.....	20
6.9. WBG EHS Guidelines	21
6.9.1. Occupational Health and Safety.....	21
6.9.2. Community Health and Safety	21
6.9.3. Construction and Decommissioning	22
6.9.4. Industry Sector Guidelines.....	23
7. Terms and Conditions	23
8. Roles and Responsibilities for Managing the Labor Management Procedure	24
9. Workers Grievance Mechanism.....	26
10. Contractor Management.....	28

Annexure

Annex 1: Typical OHS Risks and Control Measures for HoA-GW4RP

Annex 2: Model Code of Conduct for Contractors, Managers and Workers

ABBREVIATIONS AND ACRONYMS

HoA	Horn of Africa
HoAI	Horn of Africa Initiative
WB	World Bank
GoE	Government of Ethiopia
MoWE	Ministry of Water and Energy
GW4R	Groundwater for Resilience
HoA-GW4RP	Horn of Africa Groundwater for Resilience project
GBV	Gender Based Violence
SH	Sexual Harassment
SEA	Sexual Exploitation Abuse
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CoC	Code of conduct
ESMP	Environmental and social management plan
GM	Grievance Mechanism
GW r	Groundwater
GMC	Grievance redress committee
PAP	Project Affected parties
PMCU	Project Management and Coordination Unit
IA	Implementing Agency
MoILDs	Ministry of Irrigation and Lowlands
PDO	Proposed Development Objective
GW	Groundwater
LIMP	Labor Influx Management Plan
COVID-19	Corona Virus Disease 2019
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ESS	Environmental and Social Standard
PPE	Personal Protective Equipment
ESIA	Environmental and Social Impact Assessment
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
LMP	Labor-Management procedure
STD	Sexually Transmitted Disease
TOR	Terms of Reference
HSE	Health, Safety and Environmental
OHS	Occupational Health and Safety
MOLSA	Ministry of Labor and Social Affairs
WGM	Worker Grievance Mechanism
GTP II	Growth and Transformation Plan Two

1. Project Background

The Ethiopia Groundwater for Resilience Project is a self-standing Project that will contribute to the wider regional Horn of Africa Groundwater for Resilience Project that will contribute to the wider Horn of Africa Ground Water for Resilience Project. The proposed Project is aligned with the GTP II and the 10-year strategy of the sector, which aims to enhance the knowledge and use of the country's groundwater potential for production and consumption. The Project is timely and important to the sector in terms of creating a coordination platform to strategically integrate the groundwater information and use aspects through bringing together the major actors within MoWE (Ministry of Water and Energy) towards sustainable development and use of groundwater sources. The WB from two financing windows finances the project: national IDA allocation and regional IDA allocation. Therefore, Environmental and social issues related to the proposed project will be assessed using the World Bank's Environmental and Social Standards (ESSs) set out under its new Environment and Social Framework (ESF). One of the Standards – ESS2- relates to Labor and working conditions. This report formulates essential arrangements on labor and working condition during the implementation of the project to ensure 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.

The proposed Development Objective (PDO) is “To increase the sustainable access and management of groundwater in the Horn of Africa's borderlands.” It envisioned to be achieved through implementation of three interlinked components: i) Groundwater Potential Assessment and Infrastructure Development for Inclusive Community-level use; ii) strengthening groundwater institutions and information, and iii) project management, knowledge, and operational support.

2. Project components

Component 1 (IDA US\$ 293 million): Delivering inclusive groundwater services to priority areas.

This component will support infrastructure and implementation through groundwater development investment operations such as smallscale irrigation investments, solar pumped groundwater supply schemes, rehabilitation of existing and drilling of new boreholes, new construction and rehabilitation of small and medium scale water supply schemes for community and livestock demand, .new construction and rehabilitation of small and medium scale ground water-based irrigation infrastructures sand dam pilots for community gardens, nature-based solutions for enhanced groundwater recharge, ecosystem-based approaches. The component will support climate-informed feasibility studies and infrastructure development, community engagement activities promoting the efficient use of groundwater resources, sustainable water management practices, etc. It will also support the development /promotion of the private sector GW development, surveys to identify the location of promising aquifers and water points for development, develop guidelines and tools for sustainable groundwater exploration and management.

Component 2 (IDA US\$ 62 million): Generating groundwater information and strengthening regional and national groundwater institutions.

This component is focused on activities aimed at strengthening key regional and national entities that play a role in the region's groundwater management and use, as well as on the information needed to support it. The focus on groundwater information and expertise under this component includes novel mechanisms for knowledge sharing on groundwater among countries of the region and across levels, including exchange visits of country experts, collaborative programs with local universities including exploration campaigns and youth training/internships programs, and documentation and dissemination of newly acquired

knowledge. It also includes the use of innovative approaches and new technologies to enhance information sharing, data collection, and analysis.

It will also finance development of an infrastructure master plan for aquifer development, environmental and social assessments for some of infrastructure in Component 1, and develop guidelines and tools for sustainable groundwater exploration and management.

Component 3 (IDA US\$ 30 million): Support for project management, knowledge, and operations.

This component will finance the operational costs of the Project Management Units (PMUs) in participating countries, as well as provide project coordination and fiduciary support. It also covers the Third Party Monitoring for the entire Program, for an amount of US\$ 3.7 million.

Component 4 (IDA US\$ 0): Includes Contingent Emergency Response (CERC) subcomponent that will support immediate and rapid response emergency needs.

3. Rationale of the Labor Management Procedure

For successful implementation of the HoA- GW4RP project, the cooperation of human resources is anticipated at all levels from Federal to regional as well from regional to woreda levels. The Government of Ethiopia recognizes that comprehensive management of human resources is important in augmenting the positive outcomes of the project. The LMP identifies the labor requirements and risks associated with the project. It is expected that the LMP and the procurement documents will inform each other and key aspects of the LMP will be incorporated as contractual obligations of consultants and contractors. MoWE (Ministry of Water and Energy) and MoILD (Ministry of Irrigation and Lowlands Development) develop this Labor-Management procedure (LMP) for the components responsible under the proposed HoA- GW4RP. The main objectives of ESS 2 are the following:

- ✚ Promote safety and health at work;
- ✚ Promote the fair treatment, non-discrimination, and equal opportunity of project workers;
Protect workers, including vulnerable workers such as women, persons with disabilities, youth (of working age, under Ethiopian legal provisions and WB's ESF-ESS2) and migrant workers, contracted workers, community workers, and primary supply workers, as appropriate.
- ✚ Prevent the use of all forms of forced labor and child labor;
- ✚ Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with federal law;
- ✚ Provide project workers with accessible means to raise workplace concerns.

This LMP is a living document, which is developed by MoWE and MoILD during HoA-GW4RP preparation and will be reviewed and updated throughout the development and implementation of the project.

4. Overview of labor use in HoA- GW4RP

HoA- GW4RP will be implemented per the Ethiopian Labor Proclamation No. 1156/2019 and the World Bank's ESS2. HoA- GW4RP project implementing agency (MoWE and MoILD) are responsible to ensure compliance by their employees as well as potential contracted institutions. Labor and working conditions in the project are relevant to direct workers employed or engaged by the project implementing agencies, contracted workers, primary supply workers and may also include community workers.

This LMP will also include potential labor risks anticipated in the project; terms and conditions that will be applicable for workers, as per the Government of Ethiopia Labor Proclamation; GoE's legal frameworks on OHS; responsibility of staff management and Workers Grievance Mechanism.

Labor Management Procedure should be developed and implemented for project-related workers. Thus, MoWE and MoILD has prepared this LMP, which will be implemented defining the potential project workers, the risks, and impacts with issues of labor and working conditions. The procedures identified in this LMP apply to the direct, contracted, and primary supply workers. The project components' activities will involve workers, which include both males and females.

4.1. Project Workers

According to ESS2, project workers can be defined into the following four areas:

- a) **Direct workers:** people employed or engaged directly by the Borrower (including project proponent and project implementing agencies) to work specifically to the project.
- b) **Contracted workers:** people employed or engaged through third parties to perform work related to core functions of the project regardless of the location
- c) **Community workers labor:** people engaged and employed in providing community labor. Community workers may also be involved including in support to infrastructure development and the use of existing water users' associations in the management of water resources. This will be confirmed as part of the development of the Labor Management Procedures during implementation and associated risks addressed.
- d) **Primary suppliers:** people employed or engaged by the borrower's primary suppliers.

The project also plans to use migrant workers.

Direct Workers:

For HoA- GW4RP, the direct workers are likely to include Project coordinator, FM specialist, Procurement specialist, Environmental Specialist, Social safeguard specialist, M&E specialist, and Water Resource Management Specialists who are currently employees of MoWE and MoILD and focal persons who will be assigned at all regions. The estimated number of direct workers would not likely exceed 30 to 40 staff. It is expected that direct workers would also include consultants, who are specialized in certain disciplines (such as training, supervision, and environment and social safeguards, etc.). This kind of expertise is planned to be supported by HoA-GW4RP Component 3, Capacity building, technical assistance, and implementation support. These consultants will be hired under individual contracts, on a part-time basis, with a specific definition of the assigned tasks and responsibilities (such as with defined Terms of Reference-ToR).

The Project is proposed to be implemented in 11 regions and 55 woredas of these regions. Accordingly, in all 11 regions and 55 woredas the required focal persons have been already assigned. Thus, a total of 66 focal persons are officially assigned.

Contracted Workers: People employed or engaged through third parties to perform work related to core functions of the project, where the third party exercises control over the work, working conditions, and treatment of the project workers.

The major potential project activities, which engage contractors, include: (i) drilling of boreholes/source development; (ii) construction/ expansion/upgrading of water supply and sanitation facilities for public as well as for schools and health institutions. The construction/rehabilitation activities will include the civil work and pipe installation; (iii) electro mechanical work; (iv) power-poles, solar systems (generators, PV panels, batteries, inverters and charge controllers); (v) construction of irrigation schemes. The subcontractors' workforce will also be considered as contracted workers.

Community Workers: people employed or engaged in providing community labor (i.e., Projects may include the use of community workers in a number of different circumstances, including where labor is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development or providing targeted assistance). The project intends on recruiting and training a community member on each site to be responsible for scheme's operation and maintenance. These individuals will be contracted and remunerated. The community members to be engaged by the contractors will be categorized and managed as "contracted workers". Given the nature and objectives of projects, the application of all requirements of ESS2 may not be appropriate. In all such circumstances, the Borrower will require measures to be implemented to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement. A separate GM process is laid out for community workers.

Primary Supply Workers: are people employed or engaged by borrower's primary suppliers. The construction of Irrigation and Water Supply services in priority drought prone rural woredas, HoA- GW4RP will require procurement of primary supplies essential for the functions of the priority infrastructure such as construction materials including structural steel bars and shapes, cement, aggregates, sands, steel pipes, PVC pipes with fittings and Electromechanical Equipment including Electrification accessories for installation of water supply.

As clearly indicated in the LMP below, majority of the project activities' labor requirements could be fulfilled from local employment except few skilled laborers. Hence, the potential for an influx of migrant labor to the proposed project areas is expected to be relatively low. However, the project needs skilled laborers, which is usually, cannot be covered by the local workers and should be covered by the migrant workers. The kind of works, which need migrant workers, includes masonry work, carpentry, technicians, and others. The project shall implement specific requirements to manage risks associated with labor influx, related to the interaction between project workers and local communities. ESS2 applies to project workers including full-time, part-time, temporary, seasonal and migrant workers

Where the contractor will source such materials directly from primary suppliers on an ongoing basis, the workers engaged by such primary suppliers are deemed "primary supply workers", as defined in ESS2. The number and type of primary suppliers will be determined at subproject implementation stage. The timing of labor use of primary supply workers will cover the construction stage of the subproject.

Risk associated with primary supply associated with the Project

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

- All primary suppliers are formal businesses who are required to procure and produce materials subject to high standards. Any new supplier is vetted using a different form, which screens the supplier concerning compliance with taxes, certification, licensing, Public Liability Certificate and workmen's compensation.
- A separate form requires that the primary supplier identify the company's permanent staff and declare any current or prior arbitrations as well as any criminal convictions.
- Registered suppliers are subject to regular review in accordance with country specific regulations. The review is carried out twice annually and requires a Commercial Services Officer to visit the supplier's premises.
- These Labour Management Procedures require that, under the project, any primary supplier maintain records related to occupational injuries, illness and lost time accidents. These records will be subject to review by Ethiopian HoA-GW4RP twice annually and requires and update. HoA- GW4RP will also ensure, that any primary supplier to the project report fatalities or serious injury and informs government authorities in accordance with national reporting requirements.
- Where there is a significant risk of child labor or forced labor related to primary supply workers, HoA-GW4RP will set out roles and responsibilities for monitoring primary suppliers. If child labour or forced labor cases are identified, HoA-GW4RP will require the primary supplier to take appropriate steps to remedy them such as a Child Protection and No Child Labour Policies, ensure that recruitment procedures adhere to the country specific employment acts with specific emphasis on the legally accepted age to be engaged in gainful employment.

4.2. Timing of Labor Requirements

It is expected that the construction phase of the construction of public facilities require all semi-skilled, skilled, and unskilled labor during the construction of public facilities that will be recruited from local communities based on the availability of workers. All direct project workers are required continuously throughout the project life while experts from relevant ministries and agencies will be involved intermittently as required. In addition, the duration of engagement of consultants/contractors varies with the task and number of woredas/implementing areas to be covered. The duration of engagement of the community workers varies depending on the requirement of the project activities.

The water supply and sanitation construction work can be longer or shorter depending on different factors and conditions including the size and complex nature of the sub-project. In relation to this project, the primary supply will be required as per the need. Primary supply workers would be employed or engaged by the project primary suppliers of goods and materials for its core function (construction material, electro mechanical equipment, solar panel, pump and generator and others). All these primary supply workers will be engaged in different phases of the project activities.

5. Key Labor Risks and Mitigation Measures

Under this project Both MoWE and MoILD play a central role in the implementation of all the components of HoA- GW4RP. Components 1: strengthening groundwater institution and information component 2: support development of groundwater and enhance regional government and community-level use and management of groundwater, and component 3; support for project management, knowledge, and operations.

Under Component 1 groundwater infrastructure is expected to be developed which will involve limited civil works in communities across the participating countries. Contractor labor is therefore expected to be required alongside any community workers. While at any given site significant, labor influx is not expected given the potential location of project sites risks may still occur. Potential labor risks could include informal arrangements between contractors and local labor, child labor at construction sites and in the supply chain as well as Occupational Health and Safety (OHS) risks. Formal contracting arrangements, especially for relatively small-scale works, are often absent. Workers may be unaware of or willing to waive their rights in exchange for paid work given the context. In many of the participating countries, especially in remote rural areas the use of child labor is possible on construction sites due to the existing high levels of poverty and normalization of child labor. In addition, many contractors may not be used to undertaking works in line with national or international standards around OHS. Risks of Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) in particular of women and girls are also possible in the workforce potentially in relation to access to employment opportunities, continued work etc. Management measures to address these risks will be included in the Labor Management Procedures to be developed during implementation, including any requirements for Third Party Monitoring.

The security of project workers is also relevant in the participating countries /locations which are in conflict areas or where there are social tensions between clans or groups including over access to project benefits (employment, procurement, etc..) as well as access to water or irrigated land. Project workers will be subject to requirements of the relevant national laws and ESS2 as described in the Labor Management Procedures (LMP), which will be prepared by each country during implementation. The requirement for these LMPs have been included in the country specific ESCPs. In the case of IGAD, given it is an existing institution with established labor procedures the requirements have been included in the ESCP including OHS measures for workers both in the office and on site. The LMPs will include clear information on the terms and conditions of employment, principles regarding non-discrimination and equal opportunity, rules regarding child labor and forced labor, and occupational health and safety measures. The LMPs will also document the approaches to addressing worker grievances including all categories of project workers as defined by ESS2.

Component 2 technical assistance, capacity building and institutional strengthening. This will include exchange visits of country experts, collaborative programs with local universities including exploration campaigns and youth training/internships programs, and documentation and dissemination of newly acquired knowledge. As such direct and contracted workers are likely to be involved in this component, but the use of community workers is not anticipated. Nevertheless, these workers will also be subject to the requirements of the LMP including any workers contracted to undertake exploration campaigns.

Associated to those components, labour risks anticipated would include: (a) “informal contracting arrangements”, (b) likely incidents of child labor or forced labor, (c) risks of Gender-Based Violence (GBV), (d) extended working hours without pay, (e) occupational health and safety risks, (f) community health and safety issues, including community exposure to hazardous materials production of wastes from a drilling operation and associated activities. Communicable diseases, including COVID-19, which may arise from the interaction of project workers with local communities and between project workers, and (h) discriminatory labor recruitment, (i) Security of project workers (if relevant to project areas) and (j) labor influx

In accordance to ESS2, due to the hazardous nature of project work involving the use of hazardous materials and the Ethiopian Labor Proclamation 1156/2019, Article 89, sub-article 3 defines that young workers should not be involved in any work that endangers their lives or health. Hence, given the hazardous nature of the project work (mainly Component 2 of HoA- GW4RP), the project will not recruit any labor under 18 years of age; while HoA- GW4RP. prohibits recruiting child labor in any of its

activities. To manage the risk that child and/or young worker (as relevant) under deployment/ engagement with works, the project will carry out important steps like documentation and verification of age to prevent employment or engagement of child labor. Hence, obtaining written confirmation from the applicant of their age; and where there is any reasonable doubt as to the age of the applicant, requesting and reviewing available documents to verify age (such as a birth certificate, national identification card, medical or school record, or other document or community verification demonstrating age, when available) will be undertaken before the employment or engagement of a project worker and kept on file.

Discrimination is the other potential risk under the proposed HoA- GW4RP project and its subcomponents assigned for MoWE and MoILD. These include potential inappropriate treatment or harassment of project workers related, for example, to gender, age, disability, ethnicity, or religion; potential exclusion or preferences concerning recruitment, hiring, termination of employment, working conditions, or terms of employment made based on personal characteristics unrelated to inherent work requirements; in training and development provision. In the proposed HoA- GW4RP project, all forms of discrimination are unacceptable as per the Ethiopian Labor Law and ESS2 and it supports equal opportunities for women and men, with emphasis on equal criteria for selection, remuneration, and promotion, and equal application of those criteria. Measures to prevent harassment of project workers, including sexual harassment, in the workplace are addressed with the GBV action plan. This will be addressed with the prepared GBV Action Plan. Project staff will sign Codes of Conduct (CoC) that can be mentioned in routine project protocol briefings and include a session on SEA/SH awareness training, in the training, and capacity building interventions. Moreover, the focus will be given to the sharing of key messages with project staff.

On the other hand, some of the project activities' labor requirements could be fulfilled from local employment except few skilled laborers. Hence, the potential for an influx of immigrant labor to the proposed project areas is expected to be relatively low. However, the project needs specific requirements to manage risks associated with labor influx, related to the interaction between project workers and local communities. In such a way, the Gender-Based Violence Action Plan (GBV), will be managed through contractual requirements, code of conduct, and training programs. The ESS2 and Ethiopia Labor Law guide these procedures.

A Labor influx and Gender-Based Violence (GBV) risk assessment of the project was undertaken following the World Bank's Good Practice Note 2018. An initial screening of the labor influx profile of the project deemed to be substantial and based on different other factors. The project has been assessed to have a moderate risk of GBV/SEA/SH due to high levels of poverty, the rural context of the project, the low rates of help seeking on SEA/SH, social acceptance of at least one reason for spousal abuse, etc. there is also risks of labor influx due to construction camps. This could be mitigated by locating construction camps away from environmentally, socially, and culturally sensitive sites, locating construction camps away from local communities' settlement areas, villages, and towns, providing reliable health care facility in the camp as well as providing around the clock security personnel to prevent unauthorized entrance to the camp.

MoWE and MoILD have developed an Environmental and Social Management Framework (ESMF) that includes measures to mitigate GBV risks, including the need for capacity enhancement of implementing agencies and codes of conduct for contractors and other implementers. The ESMF has further indicated that Contractor/s will be required to implement measures to manage GBV risks at the project level; among others, assigning a GBV specialist who will be responsible to manage the risks and that works in close

contact with Woreda Women, Youth, and Children Affairs Offices, to put in place administrative measures to prevent and minimize GBV, to prepare administrative measures (for example through Code of Conduct) to Prevent Sexual Harassment in the workplace and acknowledging zero tolerance for GBV as well as strengthen GM and other monitoring mechanisms to ensure safe and ethical reporting systems to alert cases of GBV and assure them to access adequate response. The implementing agencies shall ensure that an area/ site specific assessment of GBV/SEA/SH risks is undertaken within subsequent project ESIA/ESMPs and that prevention and response measures are put in place. The detailed SEA/SH requirements, including training, COC, awareness is included in the complementary project SEA/SH plan, which will be implemented together with the LMP.

If HoA- GW4RP project circumstances change concerning the labor influx situation, then, the PIU will produce and implement a Labor Influx Management Plan (LIMP) in line with this LMP and the provisions of ESS2 and ESS4. In such conditions, Contractors will be required to prepare, adopt and implement a written LIMP before employing any labor in the works.

Implementation and operation of the project is expected to pose a number of occupational health and safety risks. The main OHS risks during project implementation include:

- Risk of hitting and trapping by moving parts during operation of plants and heavy machineries (such as drilling rigs, compressors, and generators) and during installation of materials and equipment (well steel or PVC casings, submersible or surface pumps, generators, storage tanks, pipes, fittings, center pivot sprinklers, etc).
- Risk from heavy weights lifting operations including lifting of drilling equipment, well casings, pumps, generators, and other materials.
- Traffic safety during movement of machines and vehicles to and from work sites and intra-site movements.
- Work-at-height during operations on drilling rig masts, construction and installation of elevated tanks or tank seats (any activity done at a level equal or higher than 2 m is considered as work-at-height).
- Collapse of excavations during construction of pits for reservoir and tank seat foundations, deep trenches (if any), valve chambers, thrust blocks, water points, soak pits, irrigation field land leveling, etc ... (excavations could collapse due to (i) unstable cut angles, (ii) due to surcharge weight on the rim of pits/trenches by excavation spoil, (iii) due to surcharge weight on the rim of pits/trenches by materials placed/stored, and (iv) due to surcharge weight on the rim of pits/trenches by equipment/machines stationed, (v) due to surcharge weight on the rim of pits/trenches by adjacent existing structures).
- Risk of workers falling in into open pits and pipe trenches due to lack of edge protection or barriers around the open excavations.
- Plant and materials falling into excavations and trapping workers inside pits/trenches due to lack of edge protection or barriers around open pits/trenches and due to lack of coordinated work procedures.
- Weakening of adjacent structures (if any) due to excavations, collapse of structures, and trapping of workers by the collapsed structures.
- Striking existing services/utilities (if any) during excavations, posing risks on workers.

- Collapse of formwork during assembly, during concrete casting, after concrete is casted and during formwork stripping for concrete structures such as reservoirs, tank seats, pumping stations, equipment houses, stores, etc
- Falling and flying materials or debris hitting workers.
- Risk of confined space entry, particularly to strip formwork from concrete reservoir or storage tanks top slabs.
- Risk from electrocution during installing electric pumps, generators, and during welding/cutting operations (such as during steel well casing and steel tank seat installations).
- Risk of fire during operations such as hot works, grinding, cutting and machines/equipment operation, also due to improper storage of flammable materials.
- Metal spatter during hot works including during welding, cutting, and grinding.
- Prolonged exposure to heat during hot works.
- Infrared light given off by welding arc affecting workers eyes.
- UV radiation given off by electric arc welding affecting workers health.
- Hazardous chemical exposure risks (such as from drilling foam, bentonite, oil, fuel, etc ...).
- Exposure to high pitch noise and vibration; particularly during operation of drilling rigs, compressors, and generators.
- Cementitious materials contamination during concrete work.
- Inhalation of dust, including cement, during concrete and other work.
- Eye injury due to flying debris and dust emissions.
- Eye irritation due to Volatile Organic Carbons (VOCs).
- Inhalation of Volatile Organic Carbons (VOCs).
- Cuts and abrasions during handling of work equipment.
- Manual handling risks during most of the construction and installation work.
- Housekeeping (often resulting in slips, trips, and falls).
- Inadequate awareness by workers and visitors on occupational health and safety risks and control measures.

OHS risks during project operation include:

- Exposure to hazardous materials such as disinfectants during transport, handling, storage, and disposal.
- Electrical hazards during operation of pumps and other electromechanical equipment.
- Exposure to pathogens during handling of wastewater from the water treatment process.
- Exposure to noise and dust during operation of electromechanical equipment and other plant operation activities.

The following measures will be considered to avoid, reduce, and mitigate the OHS risks during implementation and operation periods.

- The construction area shall be surveyed before work begins to ensure that adequate ingress and egress is provided for personnel and equipment.
- Construction area should be fenced off to create an exclusion zone.
- Suitable signs should be provided to warn of the work being undertaken.

- During operating machines/equipment, make sure that workers are not working near moving and unguarded parts of machines/equipment and access should be restricted around machines in operation apart from trained operators.
- Make sure that weights to be lifted are within the capacity of the lifting machines/equipment.
- Properly secure the load or any part of the load which might slip and fall during lifting operations.
- Workers should not be underneath the weight to be lifted during the operation, access to the lifting area should be restricted.
- Speed of construction machines, trucks and vehicles should be controlled in the work area and on public roads.
- Flagmen should be assigned to coordinate traffic.
- Traffic signs should be used during specific works in progress.
- Safety zones must be created in the work area with the speed of the traffic taken into account.
- As much as possible avoid work-at-height. If not, use proper access equipment.
- All work at height should be done on proper scaffolds. Working on drums, barrels, wooden planks, stacks of HCBs and bricks is strictly prohibited.
- Scaffolds should be fully boarded, fitted with guard rails, toe boards, and outriggers.
- Scaffolds should have proper access ladders/stairs.
- Scaffolds should be placed on a firm and level ground.
- Scaffolds should be inspected periodically for their integrity and safety.
- Ladders can only be used for short duration work or inspection which can be done safely.
- Wooden ladders should not be used.
- Sides of excavation must be supported/battered where there is a risk to collapse.
- Personnel must stay within protected/supported excavation faces at all times.
- Do not stack/place excavation spoils on the rim or top of pits/trenches.
- Do not stack/place construction materials on the rim or top of pits/trenches.
- Do not place machines/equipment on the rim or top of pits/trenches.
- Investigate the stability of existing structures adjacent to excavations before the work commences and if there is a need consider measures such as pile shoring before excavations begin.
- Excavations should have proper ingress and egress and the access should be positioned in the supported excavation area.
- Excavations must have edge protections or barriers around the rim or top so that persons will not fall in.
- Machine operations should take special care when operating near excavation rim/top.
- Never throw tools or materials down to someone in an excavation.
- Check availability of existing utilities before excavation begins (if possible) and take care during excavation not to inadvertently strike existing utilities, where there is doubt hand dig carefully.
- Formwork should be structurally designed and checked before installation, accounting its self-weight, weight of wet concrete, weight of persons standing on it during erection and concrete casting, and weight of equipment on the formwork such as vibrators.
- Formwork stripping should be done by competent workers with safe procedures.
- Make sure that workers (other than the trained workers) are not under the formwork during stripping.
- Do not throw materials and debris from heights, use chutes instead.
- Adequate fresh air ventilation must be provided in confined spaces.

- Under no circumstances should workers enter a confined space without instructions from supervisor(s).
- The placing of a second person (fire watch) on stand-by in case of emergency should be considered.
- All necessary safety and rescue equipment must be available on site before entry into confined space.
- Maintain housekeeping of work area to prevent risk of fire (remove unnecessary accumulated debris, flammable liquids/gases, wooden materials, plastics, etc.).
- Provide fire arrest equipment, with volume commensurate to the volume and type of flammable materials available at construction area.
- Insulate all open electric conductors.
- Electrical equipment should not be operated in wet environment.
- Hot works should not be done near flammable materials.
- Hot works area should be covered by screens and only the assigned worker should be in the screened area.
- Hot works should not be done for continuous period of time, rather allow breaks during hot works to avoid overheating of workers.
- Work shall be coordinated so as to reduce risks to workers from falling objects.
- Do not leave construction debris/refuse lying about in the work area, clean up frequently.
- Ensure that all waste is disposed of in the correct bin, segregate wastes.
- Do not obstruct walkways or access with tools or materials.
- Make sure that spilled oil, grease or liquids are cleaned up from floors.
- Appropriately and frequently dispose cutoff or excess timber, reinforcing bars, and any other materials.
- Position all cables and hoses out of the way, do not lay cables and hoses across a pedestrian walkway.
- Use mechanical equipment as much as possible to avoid manual handling.
- Workers should be given work based on their physical capabilities and jobs they can reasonably handle.
- Always check the weight of a load before manually lifting.
- Know the correct way of lifting weight before attempting.
- Practice safe manual handling techniques (plan, get help if needed, place your feet firmly, bend your knees – not your back, firm grip, lift with legs, etc).
- When working with hand tools, select proper tools for the job, make sure they are in good condition, and use them correctly.
- Use appropriate types of PPE for each work type, wear high visibility vest, hard hat, and safety boots at all times. Other PPE include hand gloves, face masks, ear plugs, welding visors, overalls, safety harness, safety glasses, etc.
- First-aid kit shall be available on site. Trained first aider should be available at the work area at all times.
- Fire extinguishers shall be available on site.
- Work shall be undertaken away from flammable materials (at least 15 m).
- Where other operations are being undertaken adjacent to welding, the combined effect must be considered, and suitable systems work put in place.

- Materials shall be properly staked (low stake rise, anchored and barricaded off).
- Material safety data sheet (MSDS) shall be provided for all products so that workers are informed on precautionary measures.
- Good housekeeping to remove potential slip, trip, and fall hazards.
- Hand washing and sanitation facilities shall be made available at the work area.
- Safety signs shall be used to convey safety requirements and risks to workers and visitors.
- The project implementer shall assess risks and apply mitigation measures in compliance with the guidance in the *WB Good Practice Note on Assessing and Managing the Risks and Impacts of the Use of Security Personnel*.

Continuously train workers on occupational health and safety risks and control measures. Toolbox talks shall be conducted before work begins every day. Adapt a permit-to-work approach where the risks are identified, and control measures are in place before work commences each day. Site induction shall be given to all visitors before entering the work area. Visitor shall confirm that they received induction training through signing induction forms. Additional OHS risks and mitigation measures for the major work activities of the project are provided in Annex 1.

Concerning community health and safety, implementing agencies/contractors will actively collaborate and consult with communities in promoting the understanding, and methods for, the implementation of community health and safety, including HIV/ AIDS and other communicable diseases prevention and informing communities about the requirements of workers' Codes of Conduct. Contractors will also provide project workers with training on respectful relations with communities, including on health and safety practices. While the civil works to be financed are limited in scale and scope, to ensure the health and safety of communities during implementation and operation phases of the project, the project will develop and implement a Health, Safety and Environmental (HSE) Plan in line with World Bank Group Environment, Health, and Safety Guidelines (EHSG). Similarly, OHS plan shall be developed for both construction and operation phases based on the procedures provided below and in line with the WBG EHS Guidelines.

The project ESMF and ESCP prepared for the project revealed that implementing agencies are committed to providing awareness/orientation sessions on OHS/ Community health and safety, STD/ HIV/AIDS, GBV/SEA/SH, GM, etc. related aspects which aimed at staff from MoWE and MoILD, Regional level relevant offices, Contractors of civil works, etc.

Occupational Health and Safety (OHS) related risks are expected during both construction and operation activities of the HoA- GW4RP project components. The main risks and control measures are indicated above. However, to manage the above mentioned OHS risks, subprojects shall follow the below procedures and develop subproject specific OHS plan for both construction and operation phases. The OHS plan shall include:

- *Objective and Scope*: The objective/goal and scope of the OHS plan shall be indicated clearly at the start of the plan.
- *Legal Requirement*: The legal and institutional framework against which the subproject will be implemented specific to occupational health and safety shall be defined and all regulatory requirements the subproject should comply with shall be identified.

- *Identifying Subproject Activities:* The subproject activities shall be identified with level of detail required including the activity/work type, materials to be used, equipment / machines / plants / vehicles required, and manpower to be involved.
- *Identifying Hazards:* All anticipated hazards of subproject implementation and operation shall be identified. The hazards include physical, chemical, and biological. The hazards shall be identified in relation to subproject activities identified in the earlier stage.
- *Identifying Workers to be Affected by the Identified Hazards:* Specific workers to be affected by the identified hazards shall be listed. For instance, workers working on hot works are exposed to hazards related to welding, cutting, and grinding. Drilling workers are exposed to hazards identified for operating drilling equipment and machines.
- *Evaluating the Risks and Developing a Plan:* The risks of hazards identified shall be evaluated considering their likelihood and consequences. A matrix approach can be used to classify the risks of hazards. Based on the risks level, develop a plan to control or mitigate the risks. The measures to be recommended shall follow the mitigation hierarchy elimination, substitution, engineering controls, administrative controls, and use of PPE.
- *Roles and Responsibilities:* Implementation of the plan requires a clear assignment of roles and responsibilities of various parties involved during subproject implementation and operations. It should include the roles and responsibilities of senior management, supervisors, workers, OHS officers, first-aiders, emergency contacts, etc.
- *Training and Awareness Creation:* The OHS plan shall assess and include plan for training and awareness creation. The training plan for workers shall include general health and safety management and specific measures/procedures for specialized work activities. Further, training on the OHS plan and procedures shall be considered.
- *Reporting and Documentations:* The OHS plan shall indicate reporting procedures during implementation of the plan. It should indicate the responsibility for routine and periodic reporting and timing. Also, the reporting standard shall be defined.
- *Performance Monitoring:* Key performance indicators shall be identified and monitoring during implementation of the OHS plan. The indicators can be (but not limited to) work permits prepared and approved, inductions conducted, toolbox talks conducted, trainings given, site supervisions made, PPE provided, accidents and incidents, lost-time accidents/injuries, and non-conformance and non-compliance cases. The responsibility of monitoring shall be clearly defined.
- *Accidents and Incidents:* All accidents and incidents (including near misses) shall be recorded, responses and remedial measures provided. Accidents and incidents record and response procedures shall be developed as part of the OHS plan.
- *Non-conformance and non-compliance:* A procedure for recording and implementing remedial measures for non-conformance/compliance cases shall be developed.
- *Emergency Preparedness and Response:* An emergency preparedness and response plan shall be developed in case of accidents and incidents including line of communication, emergency equipment and facilities, nearby health facilities, and remedial measures.

Audit, Review, and Update: The OHS plan shall define the scope, timing and responsibility of audits to be conducted. The results of the audits shall be reviewed by the concerned and where necessary the OHS plan shall be updated to cater for the audit findings and recommendations. There will be Workers' Grievance Redress Mechanism for labor issues, drawing from national law and procedures. Worker accommodation and influx will need to be managed in line with ESS2 and ESS4. To ensure the health

and safety of workers during operational phases of the project, the Health, Safety, and Environmental (HSE) plan shall be prepared and tailored to each ESMP of the subprojects.

6. Overview of Ethiopian Labor Legislation: Terms and Conditions

The following terms and conditions apply for workers as per the Government of Ethiopia Labor Laws (in addition to the provisions of ESS2):

- ✚ Labor Proclamation No. 1156/2019
- ✚ Federal Civil Servants Proclamation 1064/2017
- ✚ Proclamation No. 632/2009, Employment Exchange Service Proclamation
- ✚ Proclamation No. 568/2008, Right to Employment of Persons with Disability

“In case of variations between the national legislation, regulations, and the World Bank Environment and Social Standards *and* WBG *Environmental Health and Safety Guidelines (EHSGs)*, the more stringent provision will prevail”

The government officials at the federal and regional levels as well as the project officers who are employed and deployed to this project constitute the direct workers. The terms and conditions of civil servants are guided by the national civil service regulations and other labor and employment legislation. The project officers are guided by the terms and conditions of their contractual agreements.

The Government of Ethiopia Labor Proclamation No. 1156/2019 is enacted to secure durable industrial peace, sustainable productivity, and competitiveness that will contribute to the overall development of the country. The Proclamation has introduced new concepts. It has also modified some of the existing provisions which were unclear, and therefore, prone to various interpretations. GoE has reformulated the existing labor law (Proclamation 377/2003) to attain the below-stated objectives and under and in conformity with the international conventions and other legal commitments to which Ethiopia is a party.

The major objectives of the proclamation include the following:

- ✚ To ensure that worker-employer relations are governed by the basic principles of rights and obligations;
- ✚ To lay down a working system that guarantees the rights of workers and employers to freely establish their respective associations and to engage, through their duly authorized representatives, in social dialogue and collective bargaining, as well as to draw up procedures for the expeditious settlement of labor disputes, which arise between them;
- ✚ To create a favorable environment for investment and achievement of national economic goals without scarifying fundamental workplace rights by laying down well-considered labor administration; and determine the duties and responsibilities of governmental organs entrusted with the power to monitor labor conditions; occupational health and safety; and environmental protection together with bilateral and tripartite social dialogue mechanisms; political, economic and social policies of the Country.

6.1. Minimum Age for Employment and Prohibition of Child and Forced Labor

A worker who has attained a minimum age of 15 years is capable of being employed under the new labor law of Ethiopia; while the minimum age for Hazardous Work is set as 18 years. Moreover, the definition of young workers has been amended to include workers between 15 and 18 years of age. It is prohibited

to assign young workers to work, which on account of its nature or due to the condition in which it is carried out endangers their lives or health. The Ministry of Labor and Social Affairs prescribes the list of activities prohibited for young workers which shall include in particular:

- ✚ Work in the transport of passengers and goods by road, railway, air, and internal waterways, docksides and warehouses involving heavy weightlifting, pulling or pushing, or any other related type of labor;
- ✚ Work connected with electric power generation plants, transformers, or transmission lines;
- ✚ Underground work such as mines and quarries;
- ✚ Work in sewers and tunnel excavation.

The above-stated prohibition shall not apply to work performed by young workers in fulfillment of course requirements in vocational schools that are approved and inspected by the Competent Authority. Forced Labor is prohibited under the Constitution of Ethiopia and is a punishable offense under the Criminal Code. If a person compels another by intimidation, violence, fraud, or any other unlawful means to accept particular employment or particular conditions of employment is punishable, upon complaint, with simple imprisonment at least three (3) months, or fine.

The anti-trafficking legislation also prohibits trafficking in persons for exploitation at the pretext of domestic or overseas employment. The definition for exploitation includes labor exploitation, forced labor, or servitude. It is a punishable offense with rigorous imprisonment ranging from 15 to 25 years and with a fine from 150,000 to 300,000 Eth. Birr.

Due to the hazardous nature of the project activities under HoA- GW4RP (mainly subcomponent 2.2 and subcomponent 2.3) Work connected with construction of Water Supply and Irrigation respectively, the project will not employ/engage any person under the age of 18 years of age.

MoWE and MoILD PMCU (Project Management and Coordination Unit) will undertake monitoring, at a minimum every six months, of all project workers, to ensure that there are no workers under 18 years of age and that all contractors and subcontractors involved, private sectors and cooperatives, etc. in the project are not employing/engaging anyone less than 18 years of age for work with the project.

The project will use the following process, before the employment or engagement of an applicant for work on the project, to verify the person's age. The MoWE and MoILD PMCU will ensure that each contractor also uses this process and provides the PMCU (Project Management and Coordination Unit) with written confirmation that each Worker they employ or engage with the project is at least the minimum age of 18 years. The following information will be kept on file in the PMCU administrative offices:

- ✚ Written confirmation from the applicant of their age; and
- ✚ Where there is reasonable doubt as to the age of the applicant, requesting and reviewing available documents to verify age (such as a birth certificate, national identification card, medical or school record, or other document or community verification demonstrating age).

If a person under the minimum age of 18 years is discovered working concerning the project, the MoWE and MoILD will take measures to terminate the employment or engagement of that person in a responsible manner, considering the best interest of that person.

To ensure that the best interests of the child under 18 years are considered, the PMCU will undertake, and ensure that all contractors, private sector, cooperative also undertake, remediation within a reasonable period agreeable to the World Bank. The remediation activities could include, among other options:

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

6.2. Provisions Related to Women

The new proclamation recognizes further benefits addressing the special needs of women including provisions related to maternity leave, sexual harassment, and violence. A provision acknowledging affirmative action to women is also included. Accordingly, women candidates who score equal points with men will have the right to priority in competitions for employment, promotion, and related opportunities.

The new labor Proclamation of Ethiopia, 1156/2019, articles 87 and 88 state provisions on the working conditions of women.

- ✚ Women shall not be discriminated against in all respects based on their sex. Without prejudice to the generality of this provision, priority shall be given to women if they get equal results with men when competing for employment, promotion, or any other benefit.
- ✚ It is prohibited to assign women to works that may be listed by the Ministry of Labor and Social Affairs to be particularly dangerous to women or hazardous to their health.
- ✚ No pregnant woman shall be assigned to night work between 10 p.m. and 6 a.m. or be assigned overtime work.
- ✚ She shall be transferred to another place of work if her job is hazardous to her health or the fetus as ascertained by a physician.

6.3. Leaves

Proclamation No. 1156/2019, Article 76-86 amended the provisions of different leaves including the number of days under the Labor Proclamation 377/2003. Every worker is entitled for annual leave after completing one year of continuous service with full pay as follows:

- A. Rest:** Workers are entitled to a weekly rest period consisting of not less than twenty-four non-interrupted hours in the course of each period of seven days. The weekly rest period shall be calculated to include the period from 6 a.m. to the next 6 a.m. Where the nature of the work or the service performed by the employee is such that the weekly rest cannot fall on a Sunday another day maybe made a weekly rest day as a substitute.
- B. Maternity Leave:** A pregnant woman is granted a total of 120 days of maternity leave; 30 consecutive days of prenatal and 90 consecutive days of post-natal leave. It also granted leave for medical examination connected with her pregnancy, as confirmed with a medical certificate. Besides, in the case where a woman encounters miscarriage of pregnancy and it is confirmed by a medical certificate, the provisions for reduction of wage upon sickness will not apply. Despite the reduction of wage applicable to a worker who has been sick for more than a month, a woman who encounters miscarriage will be entitled to 6 months sick leave with payment of 100% of her salary.

- C. Annual leave:** every worker is entitled for sixteen (16) working days of annual leave for the first year of service; where, plus one working day for every additional two years' service. Sub article (5) states that, where the length of service of a worker is below one year, the worker shall be entitled to an annual leave proportional to the length of his service.
- D. Sick leave:** a worker should complete six months for sick leave entitlement of up to six months within a year. However, should notify the employer the next day from absence from work. The worker should present a sick leave certificate from issued by a duly recognized medical facility. The worker will be paid (i) first one month, with payment of 100% of his/her wages; (ii) for the next two months, with payment of 50% of his/her wage; and (iii) for the next three months, without pay.
- E. Family events:** workers are entitled for leave with pay for events such as marriage, paternity leave, maximum of two rounds of leave for exceptional and serious events.
- F. Union members:** a worker representing a union will be entitled for leave in cases in labour disputes, negotiating collective agreements, attending union meetings, participating in seminars or training courses.

6.4. Sexual Harassment and Violence

The new law obviates the need for interpretation of sexual harassment and sexual violence by providing definitions. It also provides prohibitions and punishments specific to the acts. The commission of either or both of the two acts at workplaces either by the employee or employer may be used as grounds of termination of an employment contract without notice by the employer or the employee respectively. Additionally, an employee who resigns on the ground of sexual harassment or violence is entitled to severance pay as well as compensation amounting to 90 times the daily rate of the last week of service of the employee. As per the definition of the new proclamation:

- ✚ *Sexual Harassment* means to persuade or convince another through utterances, signs, or any other manner, to submit for sexual favor without his/her consent.
- ✚ *Sexual Violence* means sexual harassment accompanied by force or an attempt thereof.

6.5. Wages

As per the Labor Proclamation, wages mean the regular payment to which the worker is entitled in return for the performance of the work that he/she performs under a contract of employment. Wages are independent of overtime premium, allowances, bonuses, commissions, service charges received from the customers, and other incentives paid for additional work. Wages are only paid for the work done by the worker except in case of interruption on the employer's behalf, which makes it impossible to work (i.e. interruption in the supply of tools and raw materials).

The Labor Proclamation requires employers to pay wages in cash on a working day at the workplace unless otherwise agreed. In case, date of payment (where already decided) falls on a weekly rest day or public holiday, the wages are paid on the preceding working day. Wages are paid directly to the worker or the person authorized by the worker. Wages may be paid in kind but may not exceed the market value in the area of the payment in kind and no case may exceed 30% of the wages paid in cash.

An employer is under the obligation to pay the worker wages and other emoluments per this law or the collective agreement. Wages are to be paid at such intervals as required under the national law, collective agreement, or employment contract.

As per Proc. No. 1156/ 2019, a Regulation of the Council of Ministers shall determine the powers and responsibilities of a Wage Board, which shall comprise representatives of the Government, employees,

and trade unions together with other stakeholders that will periodically revise minimum wages based on studies, which take into account the country's economic development, labor market, and other considerations.

Generally, the employer is not allowed to make deductions from wages except where it is provided by the law or collective agreement or work rules or per court order or a written agreement with the worker. The amount of deduction must not exceed one-third of the monthly wages of the worker.

An employer must keep a record of payment in a register specifying the gross pay and method of calculation of wages; other variable remunerations; the amount and type of deduction; and the net pay unless there is a special arrangement on which the signature of the worker is affixed. This register must be easily accessible to all the workers and the entries are explained to the worker on request.

Workers who are paid monthly shall incur no reduction, in their wages because of having not worked on public holiday. A worker shall be paid his hourly wages multiplied by two for each hour of work on a public holiday.

6.6. Hours of Work

Arrangement of Weekly Hours of Work: Hours of work shall spread equally over the working days of a week, provided, however, where the nature of the work so requires, hours of work in any one of the working days may be shortened and the difference be distributed over the remaining days of the week without extending the daily limits of eight hours by more than two hours.

Averaging of Normal Hours of Work: Where the circumstances in which the work has to be carried out are such that normal hours of work cannot be distributed evenly over the individual week, normal hours of work may be calculated as an average over a period longer than one week, provided, however, that the average number of hours over a period shall not exceed eight hours per day or forty-eight hours per week. The labor law defined that *normal hours of work for young workers* shall not exceed seven hours a day and it also prohibited to employ young workers on night work between 10 pm and 6 am and overtime work, weekly rest day or on public holidays.

6.7. Brief Overview of Labor Legislation on the Occupational Health and Safety

The Ethiopia has legal frameworks on OHS. The Constitution (1995) under Article 42/2 stated the Rights of Labor as "workers right for healthy and safe work environment" Proclamation No. 4/1995. There are also different legal frameworks on OHS which include: the National Occupational Health Policy and Strategy, Occupational Health and Safety Directive (2008), Occupational Health and Safety Policy and Procedures Manual, and On Work Occupational Health and Safety Control Manual for Inspectors (2017/18) which will apply to the HoA- GW4RP project. OHS promotion is also included as a priority in the National Health Policy Statement (1993). Ministry of Labor and Social Affairs (MOLSA) and its regional counterparts are responsible for OHS at Federal and Regional levels. MOLSA has OHS & Working Environment Department responsible for OHS responsibilities. Each administrative region has an OHS department within the Labor and Social Affairs Bureau with the responsibilities of inspection service.

In the new Proclamation of Ethiopia, Occupational Safety, Health, and Working Environment the following are indicated under Obligations of an Employer and an employee respectively. An employer shall take the necessary measure to safeguard adequately the health and safety of the workers; it shall in particular:

- ✚ Comply with the occupational health and safety requirements provided for in this Proclamation;
- ✚ Take appropriate steps to ensure that workers are properly instructed and notified concerning the hazards of their respective occupations, and assign safety officer; and establish an occupational health and safety committee;
- ✚ Provide workers with protective equipment, clothing, and other materials and instruct them of their use;
- ✚ Register employment accidents and occupational diseases and report same to the labor inspection service;
- ✚ Arrange, according to the nature of the work, at his own expense for the medical examination of newly employed workers and those workers engaged in hazardous work, as may be necessary except HIV/AIDS Unless and otherwise, the country has the obligation of an international treaty to do so;
- ✚ Ensure that the workplace and premises of the undertaking do not pose threats to the health and safety of workers;
- ✚ Take appropriate precautions to ensure that all the processes of work in the undertaking shall not be a source or cause of physical, chemical, biological, ergonomic, and psychological hazards to the health and safety of the workers.
- ✚ Implement the instructions given by the Competent Authority following this Proclamation.

As obligations any worker shall:

- ✚ Co-operate in the formulation of work rules to safeguard the workers' health and safety, and implement same;
- ✚ Inform forthwith to the employer any defect related to the appliances used and incidents of injury to health and safety of workers that he is aware of in the undertaking;
- ✚ Report to the employer any situation which he may have reason to believe could present a hazard and which he cannot prevent on his own, and any incident of injury to health which
- ✚ arises in the course of or in connection with work;
- ✚ Make proper use of all safety devices and other appliances furnished for the protection of his health and safety or the protection of the health and safety of others;
- ✚ Observe all health and safety instructions issued by the employer or by the Competent Authority.

It is prohibited that no worker shall:

- ✚ Interfere with, remove, displace, damage, or destroy any safety devices or other appliances furnished for his protection or the protection of others; or
- ✚ Obstruct any method or process adopted to minimize occupational hazards.

The Labor proclamation gives the power for Regional Bureaus to determine standards and measures for the safety and health of workers and follow up on their implementation. It is also indicated that regional bureaus must collect, compile and disseminate information on the safety and health of workers.

It is unlawful for an employer to (a) impede the worker in any manner in the exercise of his rights or take any measure against him because he exercises his right; (b) discriminate against female workers, in matters of remuneration, on the ground of their sex; (c) terminate a contract of employment contrary to the provisions of the Labor Proclamation No. 1156/2019; (d) coerce any worker by force or in any other manner to join or not to join or to cease to be a member of a trade union or to vote for or against any given candidate in elections for trade union offices; (e) require any worker to execute any work which is

hazardous to his life; (f) discriminate between workers based on nationality, sex, religion, political outlook or any other conditions.

Therefore, during project activities implementation, the following activities need to be performed: (i) identification of OHS risks at the project design stage; (ii) provision of PPEs and health, safety, and security arrangements; (iii) arrangement of temporary residence and clean drinking water; and make available food at an affordable cost for workers in areas where there are no hotel/restaurants around the project sites; (iv) training at regular intervals to workers to enhance their skills.

6.7.1. Benefits in the Case of Employment Injuries

If a worker sustains employment injury, the employer shall cover the following expenses, among others, include:

1. General and specialized medical and surgical care;
2. Hospital and pharmaceutical care;
3. Any necessary prosthetic or orthopedic appliances

A worker who has sustained employment injury shall be entitled to:

- ✚ Periodical payment while he is temporarily disabled;
- ✚ Disablement pension or gratuity or compensation where he sustains permanent disablement;
- ✚ Survivors' pension or compensation to his dependent when he dies.

6.8. The World Bank Environmental and Social Standards: ESS 2 on Labor and Working Conditions

ESS 2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote 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. The objectives are as follows:

- 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
- ESS2 applies to project workers including full-time, part-time, temporary, seasonal and migrant workers. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants.
- Working conditions and management of worker relationships. The Implementing Agency will develop and implement internal labor management procedures applicable to the project. These

procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and contract workers.

- Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor law and ESS requirements (which will include collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits. This information will be provided at the beginning of the working relationship and when material changes occur.

6.9. WBG EHS Guidelines

The WBG EHS Guidelines have four sections. Sections on (i) occupational health and safety, (ii) community health and safety, and (iii) construction and decommissioning are applicable to the LMP, as discussed in the below sections.

6.9.1. Occupational Health and Safety

Physical Hazards

Project workers can be exposed to a variety of physical hazards including from operating drilling rigs, compressors, generators, other machineries, trucks, and vehicles and also working-at-height (on drilling rig masts and during construction of storage tanks, pump stations, etc). Other physical hazards include exposure to weather elements, noise, work in confined spaces, excavation, trenching, falls from machinery or structures, and risk of falling objects.

Chemical Hazards

Chemical hazards during project activities may be principally associated with exposures to exhaust emissions from heavy equipment, machineries, trucks, and vehicles; exposure to drilling foam and bentonite; and diesel and other fuel used in vehicles, trucks, and motors.

Biological Hazards

Potential biological hazards during construction and operation activities of the project include exposure to contamination from wastewater (particularly from water treatment plants and irrigated agricultural facilities), exposure to airborne pathogens (such as common cold, influenza, and COVID-19), exposure to venomous animals and stinging insects.

Personal Protective Equipment (PPE)

Construction workers are required to use protective equipment such as high visibility vests, hard hats, safety boots, eyeglasses, facemasks, ear plugs/muffs, gloves, etc. Proper use of PPE by project workers makes this guideline relevant.

Other Guidelines

Other relevant guidelines include facility design and operation, communication and training, special hazard environment, and monitoring.

6.9.2. Community Health and Safety

Water Quality and Availability

Wastewater, solid waste, hazardous materials, etc. released into surface and groundwater resources from the various project activities will compromise the quality of water, which the communities in the area depend on. Further, availability of water depends on its quality and water use competition between the construction activities and the communities in the project influence area.

Structural Safety of Project Infrastructure

Hazards posed on the communities in the project area include failure of structures such as reservoir, tank seats, pump stations, storage facilities, etc. Management of these hazards involve measures taken during design, construction, and operation of the project. This guideline is, therefore, applicable.

Traffic Safety

Collisions and accidents can involve single or multiple vehicles, pedestrians and animals. The project is expected to mobilize large drilling rigs, trucks carrying generators, pumps, and compressors. In general, groundwater extraction activities involve use of large truck mounted machines and trucks on public roads and within the sites. Communities in the project influence area are at risk of serious injury or fatality from traffic accidents. Children are generally the most vulnerable due to lack of experience and knowledge of traffic related hazards, their behavior while at play, and their small size making them less visible to motorists.

Transport of Hazardous Materials

The project is expected to put in place procedures that ensure compliance with local and international requirements applicable to transport hazardous materials such as fuel, oil, drilling foam, bentonite, etc.

Disease Prevention

Communicable diseases pose a significant public health threat on the communities in the project influence area. Health hazards associated with the project are those relating to poor sanitation and living conditions, sexual transmission and vector-borne infections. Communicable diseases of most concern during the construction of the project are sexually transmitted diseases (STDs), such as HIV/AIDS and COVID-19. Interventions recommended in the guideline are relevant for the current project.

Emergency Preparedness and Response

Emergencies most commonly associated with the project include accidents involving single or multiple vehicles and pedestrians; release of oil or hazardous materials; fire incidents in the work area; and security incidents. An emergency preparedness and response plan shall be prepared in coordination with the local community and local emergency responders to provide timely first aid and medical response in the event of accidents and incidents.

6.9.3. Construction and Decommissioning

Occupational Health and Safety

The guideline provides addition guidance on over-exertion, slips and falls, work at height, struck by objects, moving machinery, dust, confined space and excavations, and other site hazards which are relevant to the project.

Community Health and Safety

Additional guidance is provided on traffic safety and disease prevention.

6.9.4. Industry Sector Guidelines

Other relevant industry specific guidelines, which are part of the WBG EHS Guidelines, include (i) construction materials extraction (2007) and (ii) water and sanitation (2007). These guidelines provide occupational health and safety guidelines and recommended measures. .

7. Terms and Conditions

The project will depend on the various laws: (i) Labor Proclamation No. 42/1993 (replaced by Labor Proclamation No. 377/2003), (ii) Labor Proclamation No. 377/2003 (replaced by Proclamation No. 1156/2019), (iii) labor Proclamation No.1156/2019, (iv) Proclamation No. 632/2009, Employment Exchange Service Proclamation, and (v) Proclamation No. 568/2008, Right to Employment of Persons with Disability. Further, Ethiopia is a signatory to the international UN conventions and has ratified the major international human rights instruments. Ethiopia has also ratified the following ILO conventions:

- ✚ Forced Labor Convention No. 29/1930;
- ✚ Freedom of Association and Protection of the Right to Organize Convention, No. 87/1948;
- ✚ Employment Service Convention, No. 88/1948;
- ✚ Right to Organize and Collective Bargaining Convention, No. 98/1949;
- ✚ Abolition of Forced Labor Convention, No.105/1957;
- ✚ Minimum Age Convention No. 138/1973;
- ✚ Occupational Safety and Health Convention, No. 156/1981;
- ✚ Termination of Employment Convention, No. 158/1982;
- ✚ The Rights of the Child Convention, 1989; and
- ✚ The Worst Forms of Child Labor Convention No. 182/1999.

Hence, the terms of condition follow stringent international requirements where the gaps of the national law are filled by WB requirements and ILO convention. Hence, the terms of the condition include the name and legal domicile of the employer; the worker's name; the worker's job title; the date employment began; where the employment is not permanent, the anticipated duration of the contract; the place of work or, where the work is mobile, the main location; benefit packages; hours of work, rest breaks, leave entitlements and other related matters; rules relating to overtime and overtime compensation; the pension and other welfare arrangements applicable to the worker; the length of notice that the worker can expect to give and receive on termination of employment; the disciplinary procedures that apply to the worker, including details of representation available to the worker and any appeals mechanism; and details of grievance procedures, including the person to whom grievances should be addressed. Given the nature of the workforce involved, the project will not recruit children for project related works and project monitoring will include this aspect.

The WB ESS2 states that the minimum age of employment is 14 years while the newly revised Ethiopian Labor Law has extended the minimum year of employment to 15 years. However, both WB and Ethiopian law prohibits the engagement of children under 18 years of age in works that have hazardous nature. The labor proclamation prohibits assigning women on works that may be particularly dangerous to women or hazardous to their health. No pregnant woman shall be assigned to night and overtime work. Also, pregnant women shall be transferred to another place of work if her job is dangerous to her health or to the fetus. An employer shall not terminate the contract of employment of women during their pregnancy and until the end of her confinement. The right to employment of persons with disability proclamation states that employers have the responsibility to provide appropriate working conditions and materials for persons with disabilities and shall assign an assistant to enable a person with disability to perform his/her

work. The WB ESS2 requires that appropriate measures of protection and assistance shall be provided to vulnerable project workers such as women and people with disabilities. The other gap between the WB and Ethiopian law is the fact that the national law does not indicate that it prohibits an employer to retaliate against a worker or reporting a dangerous work situation or removing himself/herself from a dangerous work situation. ESS2 of the World Bank ESF provides that project workers will not be retaliated against or otherwise subject to reprisal or negative action for reporting a dangerous work situation or removing/themselves from a dangerous work situation. The MoWE and MoILD -PMCU will ensure that all project workers, including those engaged by contractors, will have the right to report and remove themselves from dangerous work situations without being subject to reprisal or negative action. This and other provisions of the LMP will be part of the awareness-raising and training sessions of the project. In such case of differences between the international conventions, national legislation, regulation, and the World Bank Environment and Social Standards, the more rigorous provision will be applied.

8. Roles and Responsibilities for Managing the Labor Management Procedure

This section defines the roles and responsibilities for the labor management procedure in terms of (i) Occupational Health and Safety; (ii) Engagement and management contractors; and (iii) Training of workers. Accordingly, the implementing agencies (MoWE and MoILD) have the overall responsibility to oversee all aspects of the implementation of the LMP including occupational safety, health and welfare of workers, and ensure contractor compliance. The PMCU will address all LMP aspects as part of procurement for works as well as during contractor induction/training. Contractors will be responsible for implementation of the plan on a daily basis and providing the required human, financial and training resources for effective compliance. However, implementation of the project will be done in collaboration with several other stakeholders at national, regional, woreda and community levels who will also be expected to assist in the management of workers within their areas of jurisdiction in the project.

The responsible body for workers' management varies depending on the type of workers. The direct workers will be managed by MoWE and MoILD - PMCU that will be established at federal and regional levels whereas the contract and primary supply workers will be managed by their respective Companies, Contractors/Subcontractors, etc. engaged to conduct the implementation of the activities under HoA-GW4RP components -2. The management of government civil servants working on the project will be the responsibility of the implementing agencies (MoWE, MoILD, etc.). The child labor and forced labor, as well as OHS requirements, apply to all categories of workers in HoA-GW4RP activities, including seconded civil servants.

Project workers responsible for managing OHS include (i) PMCU and PIT at federal level, particularly the environmental and social specialist, (ii) regional focal persons in the implementing agencies, (iii) contractors' health and safety representatives, and (iv) supervising engineers' health and safety representatives.

This responsibility of managing staff will also pass to contractors. The Contractors need to assure the necessary safeguards in terms of employment security, minimum wages, and amenities. The company code of conduct would be followed to ensure harmonious personnel relations at the site with a focus on safe working conditions and access to basic facilities for the workforce deployed at the site and the workers. Contractors must engage a minimum of one health & safety representative. The health and safety representative is responsible for monitoring the day-to-day compliance to safety precautionary measures indicated in ESMF, ESIA, SA, LMP, etc., and records of any incidents and reports to the MoWE and MoILD -PMCU. The supervising engineers' health and safety representatives and/or the regional focal

persons from the implementing agencies will be responsible for supervising and monitoring the contractors' compliance to OHS requirements at field level on a regular basis. The PMCU and PIT will provide overall leadership and monitoring of compliance to OHS management requirements. Whereas the PMCU is responsible to promptly notify the World Bank of any incident or accident related to the project within 48 hours, which will be followed by formal investigation towards a root-cause analysis within 14 days and identification of a set of corrective actions. Besides, MoWE and MoILD shall regularly monitor labor and working conditions. The monitoring will be carried out Quarterly and annually throughout the project implementation period. Any identified non-compliance will be included in these monitoring reports accompanied by relevant corrective actions.

A. Occupational Health and Safety: Pursuant to the terms and conditions of WB standard procurement documents contractors shall manage all construction sites in such a way that the workers and the community are properly protected against possible OHS risks. Key elements of OHS measures should include (a) identification of potential hazards to workers; (b) evaluating risks and development of an OHS plan; (c) defining roles and responsibilities; (d) training of workers and maintenance of training records; (e) performance monitoring; (f) documentation and reporting of occupational accidents and incidents including remedies for occupational injuries and fatalities; (g) emergency preparedness including the application of guidelines for the management of COVID 19 epidemic risks, and (h) audit, review, and update of the OHS plan. The detail procedures for development of an OHS plan is described in Section 6 above. Contractors must assign a minimum of one person responsible for Health and Safety in every work site to ensure the day-to-day compliance with specified health and safety measures and records of any incidents. Minor incidents and near misses will be reported to the regional level implementing agencies (through the social development specialist) on a monthly basis, serious and severe accidents/incidents should be reported to the WB immediately and not later than 48hrs. Minor/indicative incidents will be reflected in the quarterly reports to the World Bank, while serious and severe accidents/deaths should be flagged to the World Bank within 48hrs.

B. Labor and Working Conditions: All contracts shall have contractual provisions to comply with the minimum age requirements including penalties for noncompliance, gender equality in the work place, non-discrimination of vulnerable groups, safety in the workplace, and to recruit unskilled labor from the local communities. Contractors will keep records in accordance with specifications set out in the contract agreement. The **regional implementer** may at any time require records to ensure that Labor conditions are met. Where issues are spotted, the **regional implementer** will ensure that immediate remedial actions are implemented. A summary of issues and remedial actions will be included in quarterly reports to the PMCU.

C. Awareness/Training: Awareness will be given to community who will participate in the work about the work norm, quality of the work, safety precautions, attendance, payment arrangement, and others before starting the work. The contractor will provide routine safety trainings for workers. Training on OHS include:

- Site inductions to be provided for all workers at the time of onboarding and to all site visitors.
- Training on OHS risks assessments
- General training on occupational health and safety which covers common work activities, OHS risks, and associated control measures in workstations.
- Specific training on high risks activities such as (i) drilling operations, (ii) excavations, (iii) work-at-height, (iv) lifting operations, (v) concrete work, (vi) hot works, (vii) electromechanical

equipment installations and operation, (viii) confined space entry, (ix) hazardous materials/waste management, and (x) traffic management.

- Training on safe operation of equipment, machines, and plants.
 - Toolbox talks shall be conducted before commencement of daily activities.
 - Training on emergency prevention and response.
 - Training on first aid administration.
 - Training on fire safety and emergency procedures.
 - Training on ergonomics and manual handling.
 - Training on use of PPE.
- Awareness and Training for PMCU, PIT and WUA staff (if relevant) on some instruments such as the ESF, LMP, GM, Contractor management, GBV/SEA/SH, and SRAMPs.

Trainings will form part of the contractor's responsibility. The contractors contact persons will provide safety instructions to contractor staff. The **regional implementer** will liaise with contractors to deliver trainings to address risks associated with labor influx including GBV. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by the PMCUs, as specified by the contract Occupational Health and Safety compliance. The contractor shall comply with all provisions of the LMP, site-specific ESMPs that will be prepared, including occupational health and safety plans. In addition, contractors shall procure the identified PPE and First Aid kit for use during project implementation and these will be included in the Bill of Quantities (BoQs). The Contractor shall organize training for workers on the use of PPE and First Aid kit.

9. Workers Grievance Mechanism

A workers' GM is required under NES 2 (para. 21-23) in addition to Ethiopian legislation. According to Ethiopian Labor Proclamation No. 1156/ 2019, Workers' GM for addressing and managing workers and employment-related conflicts or a complaint as well as Gender-Based Violence (GBV) is very crucial. Grievance redressing mechanisms for Workers and GBV related cases are handled through distinct channels. The GBV-SEA related grievance redress mechanism is different from the GM dealing with project workers. A worker or any person who has any complaint or grievance has the right to present it and get a proper response.

The grievance redress mechanism for addressing and managing workplace and employment-related conflicts or complaints as well as gender-based violence (GBV), SEA/SH are crucial for the Ethiopia – Horn of Africa groundwater for resilient project. A project worker who has a complaint or grievance has the right to present it and obtain proper redress through the Worker Grievance Mechanism (WGM) established by the project for this purpose. In this project, a grievance mechanism will be provided for all direct, contracted, and primary supply workers. The grievance mechanism which will be proportionate to nature and scale and the potential risks and impacts of the project will be put in place. Designed in such a way that to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and will operate independently and objectively. The workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use. The measure will be put in place to make the grievance mechanism easily accessible to all such project workers.

The MoWE and MoILD, HR Desk will establish an accessible and functional Workers Grievance Mechanism (WGM) for all categories of workers described in this LMP. Labor Proclamation No. 1156/2019, Chapter 3, Article 141, has also introduced that employers and workers or their respective

associations may use social dialogue to prevent and resolve labor disputes amicably. Besides the government, civil servants seconded to this project have access to grievance procedures under Ethiopian government public service laws.

The project-specific GM for the workers will be at three levels: 1) at the national level (the MoWE and MoILD, HR Desk), and 2) in each of the respective regional water bureaus, and HoA-GW4RP implementation Woredas. It should be emphasized that this GM is not a substitution for the legal system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor-related grievances, without escalating to higher stages. At the national level (MoWE and MoILD, HR Desk) the member of the GRC includes (i) MoWE and MoILD, HR representatives (ii) Project Management Unit (iii) MoWE and MoILD, Women and Children Desk representative. In each region, regional and woreda level community representatives, grievance focal officer, Employee representatives, Women representatives, and other members, as relevant.

a) Principles and Procedures of the GM

- ✚ These workers' GM is not the same as the grievance mechanism to be established for project affected stakeholders.
- ✚ All forms of workers involved in the HoA- GW4RP project will be informed of the WGM at the time of recruitment and the measures put in place to protect them against any reprisal for its use.
- ✚ The WGM will be easily accessible via the disclosure of a hotline and/or office hours and transparently disclosed to all employees to raise workplace concerns.
- ✚ The WGM shall be transparent in using clear procedures.
- ✚ There will be no discrimination against those who express grievances, and all grievances will be treated confidentially.
- ✚ Anonymous grievances will also be accepted and treated equally as other grievances whose origins are known.

The PMCU and other responsible project management will treat grievances seriously and take timely and appropriate action in response to:

- ✚ The aggrieved parties shall be informed within 10 days of their grievance application, either with a respective solution or with a request for an extension in cases where more information is needed.
- ✚ The aggrieved party shall have the option to refer to a grievance log with key information that will be established by the regional bureau.
- ✚ The grievance logbook will be maintained in the project office.
- ✚ The WGM, however, does not replace or override the requirement that the PMCU provide for workplace processes for project workers to report work situations that they believe are not safe or healthy, such as reporting requirements regarding workplace injuries and accidents.
- ✚ The WGM will not prevent workers to use judicial proceedings or administrative remedies that might be available under the law or existing arbitration procedures or substitute for collective agreements grievance mechanisms if preferred.
- ✚ The quarterly environment and social implementation will include reports on grievances related to project labor and working conditions issues. If not satisfied with the outcome of the regional/local level, the aggrieved party shall be able to access a second level committee at the MoWE and MoILD level.

HoA- GW4RP project WGM is oriented toward providing solutions and incorporates the principles of transparency, accessibility, due diligence, and responsiveness. The project will recognize customary and/or traditional conflict resolution mechanisms. The project will provide resources to ensure the functioning of the GM system. Grievance information will be recorded and reported in the regular implementation progress reports. The project will equally ensure that grievances related to GBV are recognized and referred to respective service providers based on a survivor-centered approach (that is always based on the demands of survivors and ensuring confidentiality as outlined in SA).

Such grievances shall not be handled according to standard GM procedures but by the Woreda Women and Children Affairs Office who will be trained to provide basic referrals.

If an effective and functional grievance redress committee exists at Woreda or region level, the existing GM will serve as a location for addressing grievances related to the HoA- GW4R project (components 2) with the provision of appropriate training for the committee members regarding the requirement in the project.

10. Contractor Management

The federal PMCU will undertake due diligence assessment of contractors labor practice and adherence to the international conventions Ethiopia has ratified, national law, ESMF, ESS2 and in this labor management procedure. The contract will include clauses that refer to the ESCP, SEP, and the LMP requirements. The federal PMCU will be required to carry out due diligence procedures to identify if there are significant risks from contractors on issues and requirements related to child labor, forced labor, and safety of workers. If there are, any risks related to child and forced labor, and safety identified, PMCU would prepare the procedures to address these risks and notify the Bank on the same. The PMCU subsequently will provide regular reports (on monthly, quarterly and annual basis) regarding the performance of the contractors.

A. Selection of Contractors

The GW4R Project will use the World Bank Standard Procurement Documents for Works for solicitations and contracts. These include labor and occupational, health and safety requirements. The PMCU shall make reasonable efforts to ascertain that the contractor who will engage contracted workers is legitimate and reliable entities and able to comply with the relevant requirements under the LMP. Such requirements shall be included in the bidding documents. As part of the process to select the contractors who will engage contracted workers, the PMCU may review the following information:

- Business licenses, registrations, permits, and approvals;
- Public records, for example, corporate registers and public documents relating to violations of applicable labor law; accident and fatality records and notifications to authorities; labor-related litigations;
- Documents relating to the contractor's labor management system and OHS system (e.g., HR manuals, safety program); ESHS personnel and their qualification;
- Previous contracts with contractors and suppliers (showing inclusion of provisions and terms reflecting requirements on labor and working conditions);

- Workers' certifications/permits/training to perform required work; records of safety and health violations, and responses;
- worker payroll records, including hours worked and pay received; identification of safety committee members and records of meetings; and other relevant points as required.

The contractor will develop and implement procedures for managing primary suppliers, contractors, subcontractors and community workers recruited to carry out civil works including:

- operate any sites for project purposes;
- Relevant environmental and social requirements shall be included in the procurement and contracting process including bidding documents, contracts and subcontracts consistent with the requirements of ESSs;
- Preparation of a detailed contractor-ESMP (C-ESMP) that is costed, with sufficient budget to mitigate E&S risks and demonstrates sufficient capacity to implement the required measures as part of the bidding process;
- Codes of conduct (CoCs) are required for contractors, subcontractors, primary suppliers and their workers covering conditions of service, OHS, GBV/SEAH and security requirements;
- Monitor contractor commitment and compliance with ESSs;
- Provide GRM for contractor and subcontractor, primary suppliers, communities and other stakeholders as well as employees;
- Ensure contractors and primary suppliers provide details on their oversight on environmental, social, health and safety (ESHS) performance and adequate mechanisms for serious incident reporting as required; and
- Monitor the performance of the contractors and primary suppliers to ensure that they comply with the ESHS specifications of their respective contracts in accordance with the LMP, Sexual Exploitation, Abuse and Harassment (SEAH) Action Plan, and Security Management Plan.

B. Contractual Provisions and Non-Compliance Remedies

The PMCU shall incorporate the agreed labor management requirements as specified in the bidding documents into contractual agreements with the contractor, together with appropriate non-compliance remedies (such as the provision on withholding 10% of monthly payment to the contractor in case of non-compliance with relevant environmental, social, health and safety requirements; removal of personnel from the works or lack in the OHS performance security, workers insurance policy, third-party liability insurance). In the case of subcontracting, the PMCU will require the contractor to include equivalent requirements and non-compliance remedies in their contractual agreements with subcontractors.

C. Performance Monitoring

The PMCU shall establish resources and procedures for managing and monitoring the performance of the contractor in relation to the LMP, the GBV/SEA AP and the SRAMP. The PMCU will ensure that the contract with the construction and supervision consultants explicitly set out their monitoring responsibility for the contractor's performance on labor and working conditions on a daily basis. The monitoring may include inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the contractor. Contractors' labor management records and reports that should be reviewed would typically include the following:

- Representative samples of employment contracts and signed code of conduct;
- Grievances received from the community and workers and their resolution;
- Reports relating to fatalities and incidents and implementation of corrective actions;
- Records relating to incidents of non-compliance with national Labor Code and the provisions of the LMP; and

- Records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

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

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

Annex 1 Typical OHS Risks and Control Measures for HoA-GW4RP

Construction Work	Main OHS Risks	Control Measures
<p>General construction activities</p>	<ul style="list-style-type: none"> • Overall OHS risks at the work area 	<ul style="list-style-type: none"> • Use proper PPE • Completely barricade working area, create exclusion zone • Ensure safe ingress & egress to the work area • Use relevant safety signage • Workers to be briefed about safe work procedures • Qualified personnel shall be assigned to work • Close supervision of work activities is always needed • Suspend work during heavy rain and other adverse weather conditions • Housekeeping of work area should be maintained • Always provide first aid kits and first aider at the site • Always provide fire extinguisher at the site/work area, where applicable
<p>Borehole drilling activities</p>	<ul style="list-style-type: none"> • Hit and trapped by moving machines or equipment • Risk from heavy weights lifting operations • Traffic safety during movement of machines and vehicles • Work-at-height during operations on drilling rig masts • Risk from electrocution during welding/cutting operations (such as 	<ul style="list-style-type: none"> • During operating machines/equipment, make sure that workers are not working near moving and unguarded parts of machine/equipment and access is restrict around the machines in operation apart from trained operators • Make sure that weights to be lifted are within the capacity of the lifting machines/equipment • Properly secure the load or any part of the load which might slip and fall during lifting operations • Workers should not be underneath the weight to be lifted during the operation, access to the lifting area should be restricted • Speed of construction machines, trucks and vehicles should be controlled in the work area • Flagmen should be assigned to coordinate traffic • Traffic signs should be used during specific works in progress • Safety zones must be created in the work area with the speed of the traffic considered • As much as possible avoid work at height, if not, use proper access equipment

Construction Work	Main OHS Risks	Control Measures
	<p>during steel well casing installation)</p> <ul style="list-style-type: none"> • Risk of fire during hot works, grinding, cutting and machines/equipment operation, also due to improper storage of flammable materials • Metal spatter during hot works • Exposure to noise 	<ul style="list-style-type: none"> • Maintain housekeeping of work area to prevent risk of fire (remove unnecessary accumulated debris, flammable liquids/gases, wooden materials, plastics, etc.) away from work areas • Provide fire arrest equipment, with volume commensurate to the volume and type of flammable materials available at construction area • Insulate all open electric conductors • Electrical equipment should not be operated in wet environment • Hot works should not be done near flammable materials • Hot works area should be covered by screens and only the assigned worker should be in the screened area • Hot works should not be done for continuous period, rather allow breaks during hot works to avoid overheating of workers • Wear ear plugs or mufflers to reduce high pitch noises
<p>Excavations for pits for reservoirs and other structures, pipe trenches</p>	<ul style="list-style-type: none"> • Collapse of excavated sides • Striking existing services (power, water supply & data), if any • Persons falling into excavations/pits • Plant and material falling into excavations • Weakening adjacent structures, if any • Manual handling • Inhalation of dust • Eye injury due to flying debris 	<ul style="list-style-type: none"> • Conduct pre-start checks including availability of excavation equipment, ground conditions, proximity of any hazards, and availability of welfare facilities • Physical barriers shall be erected around excavations • Any services/utilities at the site shall be identified and shall be clearly marked • Re-location of existing services/utilities must be completed before work commences • Excavation shall be done using appropriate equipment or plant • Spoil material from excavations shall be removed/carted away from the working area so that it does not apply surcharge on the sides of the excavation and to keep the area clean • Practice safe manual handling techniques (plan, get help if needed, place your feet firmly, bend your knees – not your back, firm grip, lift with legs, etc) • Check adjacent structures and assess the impact of the excavations on the stability of the structures

Construction Work	Main OHS Risks	Control Measures
		<ul style="list-style-type: none"> • Make sure that affected adjacent structures are properly supported before commencing the excavation • Sides of excavation must be supported/battered where there is a risk to collapse • Ladders, stairs or ramps shall be provided for safe access/egress into excavations • Inspect supported excavations before work commences each day • Personnel must stay within protected/supported excavations, at all times
Masonry construction works for tanks, tank seats and other structures	<ul style="list-style-type: none"> • Cementitious material contamination • Dermatitis • Manual handling • Slips, trips, and falls • Collapse of masonry wall or stacks of blocks • Fall from height • Inhalation of cement dust • Eye injury due to flying debris 	<ul style="list-style-type: none"> • The work area shall be surveyed before work begins to ensure that adequate access and egress is provided for personnel and equipment • Access equipment (including scaffolds) shall be checked before work commences to ensure stability • Work shall be coordinated so as to reduce risks to workers from falling objects • Practice safe manual handling techniques (plan, get help if needed, place your feet firmly, bend your knees – not your back, firm grip, lift with legs, etc) • Weather conditions shall be monitored when working at heights and work shall be stopped when the stability of any access equipment is under question • A stable working platform shall be provided, normally by means of scaffolding with edge protection/guard rails • Signs and barriers shall be provided to give warning of overhead work, where appropriate • Hand tools shall be in good condition and must be used in a safe manner • The work area and access platforms shall be kept clear of rubble • Working on drums and wooden planks should be strictly forbidden • Material safety data sheet (MSDS) of cementitious products to be obtained and workers informed on precautionary measures • Hand washing facilities shall be available • Good housekeeping to remove potential slip or trip hazards • The necessary personal protective equipment (PPE) must be worn

Construction Work	Main OHS Risks	Control Measures
Formwork/support work for reservoirs, tank stands, pump stations, etc	<ul style="list-style-type: none"> • Collapse of formwork • Hit by falling materials or debris • Falling materials or debris • Fall from height • Slips, trips and falls • Manual handling • Inhalation of dust • Eye injury due to flying debris 	<ul style="list-style-type: none"> • Support material and equipment to be selected and checked to ensure fitness for purpose • Access equipment (including scaffolds) to be planned and provided to allow safe access • Practice safe manual handling techniques (plan, get help if needed, place your feet firmly, bend your knees – not your back, firm grip, lift with legs, etc) • Load-bearing properties of support base surface to be checked • Site traffic must avoid the area where work is in progress as far as practicable • All formwork equipment will be checked to ensure it is in good order and of the correct type and capacity • Areas beneath formwork will be cleared of personnel before loading/unloading of the structure • Where safe access and egress cannot be maintained because of the work, adequate arrangements will be made by the provision of safety nets, or fall arrest equipment and safety harness • The appointed formwork competent person will ensure formwork equipment is correctly positioned/approved before loads applied • Progress will be monitored to ensure that continued safety of personnel • All hand tools must be safe to use and inspected by an appointed person on a hand tools register
Concrete work for reservoirs, tanks, water points, wellheads, aprons, thrust blocks, pump stations, other structures	<ul style="list-style-type: none"> • Cementitious material contamination • Dermatitis • Manual handling • Slips, trips and falls • Fall from height • Inhalation of cement dust 	<ul style="list-style-type: none"> • All work shall be planned in advance and experienced personnel shall be used to carry out the work • The work area shall be surveyed before work begins to ensure that adequate access and egress is provided for personnel and equipment • Practice safe manual handling techniques (plan, get help if needed, place your feet firmly, bend your knees – not your back, firm grip, lift with legs, etc) • Material safety data sheet (MSDS) of cementitious products to be obtained and workers informed on precautionary measures • Hand washing facilities shall be available

Construction Work	Main OHS Risks	Control Measures
	<ul style="list-style-type: none"> • Eye injury due to flying debris 	<ul style="list-style-type: none"> • Good housekeeping to remove potential slip or trip hazards • The necessary personal protective equipment (PPE) must be worn
<p>Hot work for steel casing installation, steel tank seats, etc</p>	<ul style="list-style-type: none"> • Manual handling • Cuts and abrasions • Falls from heights • Slips, trips and falls • Eye injury due to flying debris • Fire • Metal spatter • Prolonged exposure to heat • Infrared and visible light given off by welding arc • Ultraviolet radiation given off by electric arc welding • Ignition of other flammable material while welding operations are underway • Electrocution 	<ul style="list-style-type: none"> • All flammable material must be removed from the welding operations area • The necessary personal protective equipment (PPE) must be worn • Practice safe manual handling techniques (plan, get help if needed, place your feet firmly, bend your knees – not your back, firm grip, lift with legs, etc) • When working at heights a stable working platform will be provided, normally by means of scaffolding fitted with edge protection • Working of drums is strictly forbidden • Hot works should be done behind screens • The placing of a second person (fire watch) on stand-by in case of emergency should be considered • Fire protection equipment shall be made available close to the work area • Where other operations are being undertaken adjacent to the welding are, e.g. painting, the combined effect must be considered and suitable systems work put in place • Good housekeeping to remove potential slip or trip hazards
<p>Electromechanical installations (pumps, generators, PV systems)</p>	<ul style="list-style-type: none"> • Manual handling • Cuts and abrasions • Falls from heights • Slips, trips and falls 	<ul style="list-style-type: none"> • Only competent electricians are authorized to install • Access equipment will be checked before work commences to ensure stability • Work will be coordinated so as to reduce risks to workers from falling objects • The necessary personal protective equipment (PPE) must be worn

Construction Work	Main OHS Risks	Control Measures
	<ul style="list-style-type: none"> • Electrocution • Fire • Eye injury due to flying debris 	<ul style="list-style-type: none"> • Signs warning of electrical hazards will be displayed • Practice safe manual handling techniques (plan, get help if needed, place your feet firmly, bend your knees – not your back, firm grip, lift with legs, etc) • All cables will be routed so as to prevent their damage and avoid tripping hazards • Fire extinguishers will be available on site in the vicinity of distribution units • Supply and distribution units will be protected well • Good housekeeping to remove potential slip or trip hazards
<p>Pipe work (riser, transmission, distribution, delivery, drainage, etc. pipes)</p>	<ul style="list-style-type: none"> • Manual handling • Slips, trips and falls • Cuts and abrasions • Eye injury due to flying debris 	<ul style="list-style-type: none"> • Work permits should be issued before any work begins • Use appropriate tools and check before use • The necessary personal protective equipment (PPE) must be worn • Practice safe manual handling techniques (plan, get help if needed, place your feet firmly, bend your knees – not your back, firm grip, lift with legs, etc) • Good housekeeping to remove potential slip or trip hazards

Annex 2: Model Code of Conduct for Contractors, Managers and Workers

Code of Conduct (CoC) defines the mandatory Dos and Don'ts expected from each staff member, workers and contractors associated with the project .To build a system for SEA/SH risk prevention and mitigation, the project must:

1. Have all employees of contractors (including sub-contractors) in the project area sign CoCs;
2. Have an effective SEA/SH Prevention and Response Action Plan so that workers understand behaviour expectations and policies, as well as an effective GM. This Action Plan should include training and communication. It should also include plans to make the project-affected community aware of the CoC the project staff have just signed; and
3. As part of the SEA/SH Prevention and Response Action Plan, define accountability and response protocols, which set out the procedures followed for holding individuals accountable and penalizing staff that have violated SEA/SH policies.

Codes of Conduct from Standard Procurement Document

Code of Conduct for Contractor's Personnel (ES) Form

Note to the Employer:

The following minimum requirements shall not be modified. The Employer may add additional requirements to address identified issues, informed by relevant environmental and social assessment.

The types of issues identified could include risks associated with: labor influx, spread of communicable diseases, Sexual Exploitation and Sexual Abuse (SEA) etc.

Delete this Box prior to issuance of the bidding documents

Note to the Bidder:

The minimum content of the Code of Conduct form as set out by the Employer shall not be substantially modified. However, the Bidder may add requirements as appropriate, including to take into account Contract-specific issues/risks.

Code of Conduct for Contractor's Personnel

We are the Contractor, [enter name of Contractor]. We have signed a contract with [enter name of Employer] for [enter description of the Works].These Works will be carried out at [enter the Site and other locations where the Works will be carried out].Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of sexual exploitation and abuse and gender-based violence.

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

This Code of Conduct identifies the behavior that we require from all Contractors' Personnel. Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

Contractor's Personnel shall:

1. Carry out his/her duties competently and diligently;
2. Comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
3. Maintain a safe working environment including by:

- a) Ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
- b) Wearing required personal protective equipment;
- c) Using appropriate measures relating to chemical, physical and biological substances and agents; and following applicable emergency operating procedures.
4. Report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. Not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
7. Not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. In Bank-financed projects/operations, sexual exploitation occurs when access to or benefit from Bank-financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain;
8. Not engage in Rape, which means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape;
9. Not engage in Sexual Assault, which means any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation, and Sexual Abuse(SEA);
11. Report violations of this Code of Conduct; and
12. Not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the [Project Grievance [Redress Mechanism].

RAISING CONCERNS

If any person observes behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns

him/her, he/she should raise the issue promptly. This can be done in either of the following ways:

1. Contact [enter name of the Contractor's Social Expert with relevant experience in handling gender-based violence, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters] in writing at this address [] or by telephone at [] or in person at []; or
2. Call [] to reach the Contractor's hotline (if any) and leave a message.

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

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

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR’S PERSONNEL:

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

Name of Contractor’s Personnel: [insert name]

Signature:

Date: (day month year):

Counter signature of authorized representative of the Contractor:

Signature: _____ Date: (day month year): _____