

THE REPUBLIC OF LIBERIA



MINISTRY OF EDUCATION

LABOUR MANAGEMENT PROCEDURES (LMP)

**For the proposed
LIBERIA LEARNING FOUNDATION PROJECT
Project ID No: P172705**

June 2020

ACRONYMS

ADR	Alternative Dispute Resolution
AE	Accelerated Education
AF	Additional Financing
AGs	Advocacy Groups
ALP	Alternative Learning Program
AP	Aggrieved Party
AW&B	Annual Work plan and Budget
BTE	Bureau of Teacher Education
CBOs	Community Based Organizations
CDC	County Development Committee
CoC	Code of Conduct
CSA	Civil Service Agency
CSOs	Civil Service Organizations
CSSO	Civil Society Standing Order
DEOs	District Education Officers
DLIs	Disbursement-Linked Indicators
DPs	Development Partners
DPC	Deputy Project Coordinator
DPE	Division of Physical Environment
DWA	Descent Work Act
ECE	Early Childhood Education
EPA	Environmental Protection Agency
ESDC	Education Sector Development Committee
ESMF	Environmental and Social Management Framework
ESIA	Environmental and Social Impact Assessment
EU	European Union
FLY	Federation of Liberian Youth
FM	Financial Management
GAs	Government Agencies
GBV	Gender-Based Violence
GoL	Government of Liberia
GPE	Global Partnership for Education
G2B	Getting to Best in Education
G2B-ESP	Getting to Best in Education Sector Plan
GPE-G2B	Global Partnership for Education-Getting to Best in Education
GRCs	Grievance Redress Committees
GRM	Grievance Redress Mechanism
HIV	Human Immunodeficiency Virus
HGS	Home Grown Solution
HRGs	Human Rights Groups
IDA	International Development Association

ILO	International Labour Organization
IRISE	Improving Results in Secondary Education
IRIs	Intermediate Results Indicators
IPF	Investment Project Financing
JESR	Joint Education Sector Review
LGAs	Local Government Authorities
LEG	Local Education Group
LINSU	Liberia National Student Union
LLA	Liberia Land Authority
LLF	Liberia Learning Foundation Project
MCA	Maximum Country Allocation
M&E	Monitoring and Evaluation
MFDP	Ministry of Finance and Development Planning
MoE	Ministry of Education
MoJ	Ministry of Justice
MoGSP	Ministry of Gender & Social Protection
MoL	Ministry of Labour
MoYS	Ministry of Youth and Sports
MPW	Ministry of Public Works
NGOs	Non-Governmental Organizations
NSAS	National School Accountability System
NSQS	National School Quality Standard
OHS	Occupational Health & Safety
OSIWA	Open Society Initiative for West Africa
PAP	Project Affected People
PC	Project Coordinator
PCP	Project Contract Person
PDO	Project Development Objective
PDT	Project Delivery Team
PIM	Project Implementation Manual
PM	Project Management
PPSD	Project Procurement Strategy for Development
PS	Procurement Specialist
PSE	Project Site Engineer
PSS	Project Site Supervisor
PTAs	Parent Teacher Associations
RBF	Results-Based Financing
RF	Results Framework
RFP	Request for Proposal
RL	Republic of Liberia
RTTIs	Rural Teacher Training Institutes
RPF	Resettlement Policy Framework
SCR	Student Classroom Ratio
SEP	Stakeholders Engagement Plan

SMT	Senior Management Team
SQA	School Quality Assessment
TA	Technical Assistance
TBA	To Be Arranged
TDCs	Targeted Disadvantaged Counties
TLs	Traditional Leaders
TTLs	Task-Team Leaders
TWT	Technical Working Team
WASH	Water Sanitation and Hygiene
WB	World Bank

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1. INTRODUCTION

The GPE has since June 2018 given Liberia, through the Ministry of Education (MoE), the opportunity to apply for an additional Grant that will increase its Maximum Country Allocation (MCA) of US\$11.9million to US\$17.8million and is to be implemented in six counties (Bomi, Rivercess, Sinoe, Grand Kru, Maryland and RiverGee). The MoE intends to allocate the grant to its Liberia Learning Foundation Project (LLFP) which is expected to scale-up implementation of priorities in the Getting to Best Education Sector Plan (G2B-ESP). The LLF will allow the MoE to revise its result-based financing targets in the existing GPE-G2B project, as well as develop and implement new activities in consultation with the Local Education Group (LEG) with the aim of increasing the development impact of GPE interventions in Liberia.

Specifically, the LLFP will finance, in addition to the DLI targets set under the result-based financing, three new activities: the construction of 54 new ECE classrooms along with WASH facilities in 18 locations, the printing and distribution of ECE teaching and learning materials (including curriculum and teachers guide, supplementary ECE reading books, and assorted classroom learning aid materials for pretend play, sensory play, blocks play, reading and counting) across 600 schools, and an accelerated learning program that will transition 5,600 over-age ECE students in the targeted counties to their age-appropriate primary grades. The project will be managed by the current MoE Project Delivery Team (PDT) of the GPEG2B Project with four additional staffs (Deputy Project Coordinator, Environmental and Social Specialist and Administrative Assistant) to be hired.

1.2 Labor Management Plan (LMP)

The Labor Management Procedure (LMP) developed by MoE is part of the ESF/safeguard requirements package for the LLF Project. The LMP follows three major ESF/safeguard instruments (ESMF, RPF, and SEP) already developed by the Ministry as part of its application package for the LLFP and seeks to manage risks under the Project. The LMP identifies labor requirements and sets out the procedures for addressing labor conditions and risks associated with the proposed project, which is aimed at helping the project to determine the resources necessary to address project Labor issues. It sets out the Project's approach to meeting national requirements for labor services as well as the objectives of the World Bank's Environmental and Social Framework, particularly objectives and requirements of Environmental and Social Standard 2: Labor and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4). The national requirements as enshrined in the Decent Work Act 2015, standing orders of the Civil Service of 2012 and Environmental Protection and Management Law 2002 are compared with objectives of the World Bank's ESF in a table provided in Annex 1.

The World Bank has initially rated the overall risks exposure of the project as moderate which indicate a moderate likelihood of adverse impacts associated with project implementation. The moderate rating indicates that the risks are well understood and expected to have limited impact as they can largely be avoided, minimized or managed through procedures, including procedures set out in this LMP. MoE is committed to, on a continuous basis, throughout the Project, evaluating risks and impact in order to have in place adequate measures and procedures to manage adverse impacts.

The main objective of the LMP is:

- To protect project workers including vulnerable workers such as women and girls, persons with disabilities, children of working age, migrant workers, contracted workers, community workers and primary supply workers
- To promote safety and health at work.
- To promote the fair treatment, non-discrimination
- To prevent the use of all forms of forced labour and child labour.
- 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.

1.3 Project Components and Subcomponents

The LLF has three components. Component one seeks to strengthen ECE foundations in targeted disadvantaged counties, in alignment with the G2B-ESP ECE objectives. To meet the component objective, three sub-components will be financed: (i) construction of ECE classrooms, latrines and water systems; (ii) accelerated education for overage students; and (iii) provision of ECE teaching and learning materials (TLMs).

Sub-component 1.1: Construction of ECE classrooms, latrines and water systems

This sub-component will address a priority need identified in the G2B-ESP for additional ECE classrooms and water, sanitation and hygiene (WASH) facilities in schools with overcrowding or which lack ECE infrastructure. The sub-component aims to reduce ECE overcrowding and improve infrastructure quality at 18 school sites each of which will receive a package of three ECE classrooms (one per ECE grade), furnishings and basic equipment, one latrine (consisting of four age-appropriate toilets) and one water system. The 18 schools are also benefiting from the placement of qualified ECE teachers under the G2B Project and have been assessed as having adequate land and topography, no land tenure issues and the necessary population density to justify additional classrooms.

Sub-component 1.2: Accelerated learning program (ALP) for over-age ECE students in ECE

To further address the persistent challenge of overage students in ECE grades, this sub-component is added under the LLF to support the MOE's plans to expand its accelerated learning program (ALP) for overage ECE students. This is aligned with the USAID-funded Accelerated Quality Education (AQE) Program which operates in six other counties, avoids duplication, and builds on the innovative work of a number of other organizations in Liberia as reviewed in a recent World Bank Policy Note. The LLF will afford 5,600 overage ECE students in the worst-affected districts of the target counties the opportunity to receive an age-appropriate accelerated education program and transition to the correct primary grade. The sub-component will strengthen the impact of the ECE school grants and ECE teacher training, and contribute to the achievement of national targets for overage students.

Sub-component 1.3: Printing and distribution of ECE teaching and learning materials

To complement sub-components 1.1 and 1.2 and incentivize learning as the desired outcome of this component, this sub-component will support the printing and distribution of ECE TLMs. TLMs, including

curriculum and teachers' guides, supplementary ECE reading books, and assorted classroom learning aid materials for pretend play, sensory play, blocks play, reading and counting, will be distributed across the same schools receiving school grants under the G2B Project. The TLMs have already been developed by the MoE through USAID-funded programs and are available through Creative Commons as open source materials.

Component two focuses on consolidating education system accountability to increase equity, efficiency and learning outcomes in the education system by furthering targets for DLIs under the G2B Project. This component provides financing through three DLIs. DLI 1 (equity) aims to increase the proportion of qualified ECE and primary teachers in the targeted counties by incentivizing the deployment of additional qualified teachers, teacher certification and replacement of unqualified or absent teachers. DLI 2 (efficiency) aims to improve the system of teacher payroll management by teachers linking teacher certification to teachers' biometric National ID. DLI 3 (learning outcomes) aims to support the establishment of a national primary student learning assessment for Grade 3 and 6.

Component three will provide financing to support the implementation of activities under Components 1 and 2 and help to ensure the activities are sustainable beyond the life of the Project, including M&E, training and management. The component will fund M&E activities conducted by the MOE, county and district levels, as well as operational costs. A school infrastructure audit will be conducted to identify vulnerabilities to environmental risks, in line with the World Bank's safeguards procedures. Allocations will be made for technical assistance (TA), communications, an Independent Verification Agent (IVA), two JESR and additional activities to ensure the project is effectively implemented aligned to World Bank and GPE requirements.

The MoE will prepare specific procedures to be inserted in the contract as part of contractors' legal obligations project contractors must adhere to. The approach will be assessed as part of the initial screening of environmental and social risk and impact carried out by MoE's Project Delivery Team (PDT).

1.4 Scope of The Labour Management Procedure

This LMP describes the ESS2 and ESS4 requirements and expectations in terms of compliance, reporting, roles, supervision and training with respect to labor and working conditions, including camp accommodation. This LMP will cover all categories of workers. This LMP does not cover government workers/civil servants working in connection with this project except there is a legal transfer of their employment or engagement to the LLFP. This LMP will set out the following procedures

- How workers will be managed in accordance with the national law requirement,
- Guidelines for the different categories of project workers,
- Terms and conditions of Employment,
- Child Labor,
- Forced Labor,
- Non-discrimination and equal opportunity,
- Protecting the Workforce,
- Grievance Mechanism,

- Occupational Health and Safety.

2. OVERVIEW OF LABOR USE ON THE PROJECT

The Labor Management Procedure applies to all Project workers whether full-time, part-time, temporary, seasonal or migrant workers. The LMP is applicable, as per ESS2 to the project in the following manner:

- I. People employed or engaged directly by MoE to work specifically in relation to the LLFP: These are direct workers comprising a mix of government civil servants from various relevant line ministries and those deployed as technical consultants" – full and part-time by the MoE under the LLFP. The former will be governed by a set of public service rules, the latter by mutually agreed contracts.
- II. People employed or engaged by contractors to perform work related to core function of the LLFP: regardless of location: These are contracted workers and are classified into two broad categories of contracted workers. First is Consultant service providers who will provide implementation support services to the MoE and LLFP. Second is the staff of civil works contractors to be subcontracted to arrange for civil works under the subprojects 1.1, 1.2 and 1.3 (especially ECE schools' construction).
- III. People employed or engaged by MOE's primary suppliers: These are "Primary Suppliers" who are likely to include suppliers of construction materials for any civil works to be supported by the LLFP, as well as ECE school equipment/supplies that may be used to improve sub component 1.1, 1.2, and 1.3.
- IV. People that will volunteer in providing communal Labor: These are "Community Workers" to which the LLFP will adopt the modality of community-led schools and facilities construction, if needed, for the ECE school construction. Hence, labor will be sourced locally for skilled and unskilled labor.

2.1 Labor requirements:

2.1.1 Ministry of Education (MoE)

The MoE will have overall responsibility for the implementation of the project and will delegate this responsibility to the PDT. Financial Management of project accounts will be largely handled by the Project Financial Management Unit (PFMU), supported by a Financial Management Specialist embedded with the PDT. At the local level, the project will be supported by county education officers (CEOs) and DEOs. DEOs and school principal staff are expected to play a key role in supervision and monitoring of project implementation. MoE has established a Project Delivery Team to oversee the project.

2.1.2 Project Delivery Team (PDT)

The project will use the same PDT as the G2B project to ensure alignment between G2B and LLF project activities and maximize effectiveness and efficiency in project implementation. The will be responsible for the day-to-day operations of the project including (a) coordinating with project stakeholders (CEOs, DEOs, contractors, communities, DPs, LEG, ESDC, and so on) on implementation matters related to project activities; (b) monitoring progress against indicators, including physical verification (spot checks) on the progress of implementation through field visits; (c) preparing and submitting regular reports to the MoE, the World Bank as the GPE Grant Agent (GA), and GPE, as needed; (d) maintaining fiduciary oversight/control in accordance with World Bank guidelines and procedures; (e) strengthening the capacity of the key MoE departments at the national and subnational levels and transfer of skills through specific training and learning on the job; and (f) facilitating the work of the IVA to enable them to access

relevant MoE and Ministry of Finance and Development Planning (MFDP) staff. The PDT roles and responsibilities are expected to be absorbed by the MoE by the time the project closes.

The PDT will engage the following personnel throughout the Project:

- *Project Coordinator:* has overall oversight on all aspects of the project implementation, responsible to ensure that this Labor Management Plan is fully adhered to by all parties involved in project execution especially during construction, printing and distribution of teaching and learning materials (TLMs), and during delivery of the alternative education program for age appropriate enrolment of overage students.
- *Deputy Project Coordinator:* will assist the Project Coordinator in carrying out the responsibilities mentioned above.
- *Procurement Specialist:* is responsible for contract management including those of primary suppliers and will ensure that the components of this LMP, that concerns contract management, will be fully observed.
- *M&E Specialist:* is responsible for monitoring and reporting on project activities during implementation. The M&E Specialist will particularly monitor adherence to ESS2 and the LMP during implementation activities.

Additional staffing may be needed during Project implementation. However, MoE has a number of existing staffs who will provide support to the Project. The following offices have been identified:

- Division of Physical Environment (DPE): shall oversee construction sites assessment, preparation of ToR for contracting construction firms, preparation of design for ECE classrooms, and lend support to the PDT in supervising construction and certifying construction works during Project implementation.
- Division of Alternative Learning Programs (ALP): shall oversee the implementation of the ALP for overage ECE students. It is expected that the office will continue to lend support to the PDT regarding implementation of the ALP process.
- Bureau of Early Childhood Education: will lend support to the PDT in regard to printing and distribution of ECE teaching and learning materials and ensuring of specificities for standard ECE classrooms constructions.
- Legal office: the legal office will lend support to the PDT in regard to the development of contracts.
- Human Resource Office: shall lend support to the PDT in the recruitment and selection of other project staffs.
- Office of the Deputy Minister for Administration: shall oversee contractual issues during the Project implementation including hiring of site supervisors.

Government civil servants, who may provide support to the project, will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement. MoE staff, including

project staff and consultants, will remain subject to the terms and conditions currently in place at MoE. These conditions are outlined in the LMP.

2.1.3 Estimated Number of Workers Under Subcomponent t 1.1

Subcomponent

1.1 plans to address a priority need identified in the ESP for additional ECE classrooms and water, sanitation and hygiene (WASH) facilities in schools with overcrowding or which lack ECE infrastructure. Based on prior experience, MoE estimates approximately 533 workers for the project including 180 workers for the subcomponent on construction, 30 persons for activities related to printing and distribution of Teaching Learning Materials (TLMs), and 323 persons for implementation of the Accelerated Learning Program.

The construction component will comprise of 54 classrooms in 18 locations (3 classrooms per location), 18 latrines (1 latrine per location at 4 cubicles per latrine) and 18 water systems (1 water system per location) across the six targeted counties. More than half of its labor requirement can be sourced in counties where the project is located, but the specific number is subject to discussion. The labor requirement will form part of the Request for Proposal (RfP). MoE's RfP will specify a preference for local labor from the communities that fall along the project locations. The works may include several contracts; exact procurement approach is yet to be determined. The following labor requirement is estimated at this stage:

- Construction companies and their workers (162) - contract will be awarded to a company, and the company may hire its workers to carry out the construction project. Once contracted, it is the prerogative of the company to decide the number of workers needed for the construction works. However, the company is expected to bring the following workers:
 - 7 skilled labors (carpenter, mason, electrician, plumber, steel bender, construction manager, and site safety officer)
 - 2 unskilled labors (water provider and cement mixer).
- Project hired site supervisor (18): these are engineers that will be hired under the project to supervise each construction site and submit periodic progress reports to the PDT through DPE.

The construction of the classrooms is expected to be completed within 10 months. While the project is estimated to require 180 workers during that period, there will not be 180 workers on site at any time. Depending on the specific task or stage of the work, there may be 5-7 persons per construction site and total of 90-126 persons in total at all project sites at any time. For example, electrician and plumber are required only during wiring of the building and construction of water and sewage systems respectively. The Contractors will be required to recruit particularly the laborers from the identified communities, through the local officials identified in the SEP.

2.1.4 Estimated Number of Workers Under Subcomponent 1.2

This subcomponent addresses the widespread lack of curriculum materials for play-based learning. The printing and distribution of ECE teaching and learning materials is expected to benefit 600 schools across the six GPE targeted counties. While the printing works will be carried out by contractors who may have a team of persons and the MoE cannot at this point establish the number of persons in the team, the

distributions of the materials will be carried out by Ministry staffs including the PDT and ECE Bureau. Thus, MoE estimates as many as 6 teams of 5 members per county (total of 30 staffs) each of its own staff may be required for distribution of teaching and learning materials in schools of specific counties during the implementation of the Project. The teams are expected to be composed of the following members:

- 1 PDT member as team leader
- 1 ECE specialist
- 1 staff from the Center of Excellence for Curriculum
- 1 staff from Monitoring and Evaluation (M&E) Unit in Planning
- 1 Driver

2.1.4 Estimated Number of Workers Under Subcomponent 1.3 Subcomponent 1.3 plan to support the MoE's plans to expand its accelerated learning program (ALP) for overage ECE students and also complements the MoE's COVID-19 response plan. This subcomponent is estimated to require 323 workers and shall include:

- 5 Division of ALP staff
- 5 District Education Officers (DEOs)
- 10 Master Trainers
- 3 ALP County Supervisors
- 300 teachers

All of the above workers are civil servants under the Ministry. Hence, the project will apply Standing Orders of the Civil Service 2012 in engaging them during the Project.

3. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

The main labor risks associated with the project are assessed to be related to the potentially hazardous work environment associated with constructions, associated risks of accidents and labor influx, harassment and exploitations of workers, and sexual harassment and gender-based violence risks as a result of contractor workforce during civil works. Others are unfair recruitment and selection practices which could discriminate against women, vulnerable groups, exploitative wages, over-stretched working hours – no break periods, poor work safety culture, accidents/incidents, lack of provision of PPEs perception that wages, salaries and benefits are poor or that foreigners are treated better and receive better conditions of employment, lack of basic facilities – water, food, toilets, washing hand facilities, medical aid, sub-standard campsite facilities and campsite management, hostility and security threats from host community, cultural differences which may cause conflicts, lack of unified rules and regulations for all workers, favoritism, and absence of grievance redress channel for workers. .

Based on current conditions in the sector it is assessed that the risk of child or forced labor is negligible, and already managed through national legislation and MoE policy regulations (Chapter 2 sections 2.2 and 2.3 of the Decent Work Act 2015; MoE Code of Conduct for Teachers and School Administrators 2014).

Labor influx. It is not expected that the project area (mainly the Southeast region) will experience substantial labor influx. In the spirit of decentralization and local economic empowerment, MoE will

mandate contracting firms to localize hiring of workers and only allow for outside, including expatriate labor, where there is a requirement for special skills not available within the Project location or Liberia. Should it hire external workers (mainly local migrants), which will be few in numbers, they will be accommodated at existing housing in the area and it will be the sole responsibility of the company contracted in the case of constructions as has been prior practice by MoE in similar projects. There will be no dedicated camps established for worker accommodation.

Specific requirements to manage risks associated with labor influx, related to interaction between project workers and local communities, such as communicable diseases and gender-based violence, will be managed through contractual requirements, code of conduct and training set out in this document. These procedures are guided by national legislations.

Occupational health and safety. The risk related to the building construction is associated with the risk of falling from height and the falling of tools/equipment on the worker and collapse of high structures. There could also be a risk of poor ventilation and noisy sounds among others. The DPE of the MoE has existing policies and regulations for contractor training and safety.

4. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

There are two main legislations which regulate the terms and conditions of employment in Liberia namely; The Decent Work Act 2015 and the Civil Service Agency Standing Order.

The Decent Work Act provides for the basic conditions of employment with a view of improving the status of employees in Liberia. The Act makes it mandatory for employers to furnish employees with written particulars of employment stating, hours of work, wages, leave entitlements, job description, grievance procedure, benefits if any etc. It further mandates the Ministry of Labor and the Minimum Wage Board to issue Wages Regulations on a regular basis which deals with worker's terms and conditions of each particular industry. It is in this legislation where you will find provisions regulating:

- Contracts of employment (direct, indirect, part-time, etc.)
- Minimum wage
- Child and/or forced labor
- Treatment of migrant workers
- Leave entitlements, i.e. annual leave, sick leave, maternity and paternity leave and compassionate leave
- The protection of wages (prohibition against unlawful deductions)
- Retrenchment procedures
- Fair and unfair reasons for termination of employment
- Equal opportunities and fair treatment of all workers
- Disciplinary procedures

- Freedom of association and collective negotiation of terms and conditions of employment in the workplace (i.e. negotiations between employers and trade unions and the dispute resolution mechanism).

The Civil Service Standing Order on the other hand specifically deals with rights, privileges and responsibilities of civil servants in Liberia and grievance redress mechanism. There are three specialized forums for dealing specifically with labor issues in Liberia, the Ministry of Labor’s hearing system, the Labor Court of Appeal and Enforcement (see Chapter 9 through 11 of the Decent Work Act 2015), and the Civil Service Agency Grievance Redress Procedure as stipulated in the CSA Standing order.

The MoE requires contractors to comply with the most current Wages Regulations Order for Building and Construction as issued by the Minimum Wage Board of the Ministry of from time to time.

5. BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

Part VI of the Decent Work Act 2015 provides legislations on Occupational Health and Safety. The Part established a legal framework that:

- Secure the safety, health and welfare of employees and other persons at work;
- Eliminate at their source, so far as is reasonably practicable, risks to the safety, health and welfare of employees and other persons at work;
- Ensure that the safety and health of members of the public are not exposed to risks arising from work or workplaces;
- Provide for the involvement of workers, employers, and organizations representing those persons, in the formulation and implementation of safety, health and welfare standards; and
- Develop and promote a national preventative safety and health culture, meaning a culture:
 - i. In which the right to a safe and healthy working environment is respected at all levels;
 - ii. Where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties; and
 - iii. Where the principle of prevention is accorded the highest priority.

The legislation provides for the safety and health of persons at work and at the workplace and for the protection of persons other than persons at the workplace against hazards to safety and health arising out of or in connection with the activities of persons in the workplace and to provide for other matters incidental thereto. This act entrusts the employer with the obligation to ensure the safety and health of all its employees, and also to mitigate risks of exposure to any hazards in the workplace.

The legislation makes it mandatory for employers to provide personal protective clothing or equipment to employees exposed to wet, dusty, noisy or any conditions that might expose the employees to harsh or dangerous conditions. Employees are to be trained to perform their work in order to avoid exposure to danger or injury and to be informed of any known hazards or diseases associated with the work they do, but also adequately care for and compensated should such situation occur.

6. RESPONSIBLE STAFF

The overview of responsible staff and oversight mechanisms will be described in further detail in the project ESMF which is currently being drafted. This is an overview – the details will flow from the ESMF and can be copied over at a later stage.

MoE's Project Delivery Team, particularly the Environmental and Social Officers, has the overall responsibility to oversee all aspects of the implementation of the LMP, in particular to ensure contractor compliance. MoE will address all LMP aspects as part of procurement for works as well as during contractor orientation. Implementation of the Labor Management Plan will be supervised by MoE's DPE and PDT (Environmental and Social Officers) on a monthly basis or at shorter intervals as defined by specific Plans.

Contractors will be responsible for implementation of the plan daily and providing the required human, financial and training resources for effective compliance. However, implementation of the LLFP will be done in collaboration with several other stakeholders who will also be expected to assist in the management of workers within their areas of responsibilities in the project

The detailed approach is described in the following sections.

Occupational Health and Safety. Contractors must engage a minimum of one safety officer. Smaller contracts may permit for the safety office to carry out other assignments as well. The safety officer will ensure the day-to-day compliance with specified safety measures and records of any incidents. Minor incidents will be reported to MoE on a monthly basis, serious incidents will be reported immediately. Minor incidents will be reflected in the quarterly reports to the World Bank and major issues will be flagged to the World Bank immediately.

Labor and Working Conditions. Contractors will keep records in accordance with specifications set out in this LMP. MoE may at any time require records to ensure that labor conditions are met. The PDT will review records against actuals at a minimum on a monthly basis and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

Worker Grievances. MoE's procedures currently in place will remain for project staff. Contractors will be required to present a worker grievance redress mechanism which responds to the minimum requirements in this LMP. The PDT's Environmental and Social Officers DPC will review records on a monthly basis. Where worker concerns are not resolved, the national system will be used as set out in the section, but the PDT will keep abreast of resolutions and reflect in quarterly reports to the World Bank.

Additional Training. Contractors are required to, at all times, have a qualified safety officer on board. If training is required, this will be the contractor's responsibility. The safety officer will provide instructions to contractor staff. MoE will procure for training to address risks associated with labor influx and will provide a schedule for trainings required. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by MoE, as specified by the contract.

7. POLICIES AND PROCEDURES

Equal opportunity to all: Employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures will be followed by contractors and monitored by the LLFP Social specialist, to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- Employees will be informed at least two months before their expected release date of the coming termination.
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in a language that is understandable to both parties.
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.

Tender and contract documents: Most environmental and social impacts of subcomponents resulting from activities directly under the control of contractors will be mitigated directly by the same contractors. As a consequence, ensuring that contractors effectively mitigate project activities related impacts is the core of the Project's approach. MoE will incorporate standardized environmental and social clauses in the tender documentation and contract documents, in order for potential bidders to be aware of environmental and social performance requirements that shall be expected from them, are able to reflect that in their bids, and required to implement the clauses for the duration of the contract. MoE will enforce compliance by contractors with these clauses.

Environmental and social management documentations: As a core contractual requirement, the contractor is required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the MoE or its appointed agents. The contractual arrangements with each project worker must be clearly defined in accordance with Liberian law. A full set of contractual requirements related to environmental and social risk and impact management will be provided in the projects' Environmental and Social Impact Assessment. All environmental and social requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the project's environmental and social instruments.

Forced and underage labor: Under no circumstances will the PDT, the Ministry, contractors, suppliers or sub-contractors engage in forced and underage labor. Forced labor includes bonded labor (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods,

retaining the worker's identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable at the commencement of employment, loss or delay of wages that impede the workers' right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis. No trafficked persons shall be employed in connection with the project.

7.1 Occupational Health and Safety (OHS)

MoE is committed to:

- i. Complying with legislation and other applicable requirements which relate to the project's occupational health and safety hazards.
- ii. Enabling active participation in OHS risks elimination through promotion of appropriate skills, knowledge and attitudes towards hazards.
- iii. Continually improving the OHS management system and performance.
- iv. Communicating this policy statement to all persons working under the control of MoE with emphasis on individual OHS responsibilities.
- v. Availing this policy statement to all interested parties at all project facilities and sites.

Under current MoE rules, any contractor is required to have at least one Safety, Health and Environmental officer for the workplace or a section of the workplace for an agreed period in accordance with Part VI on Occupational Safety and Health of the Decent Work Act of 2015. At a minimum, the officer must:

- a) Identify potential hazards;
- b) In collaboration with the employer, investigate the cause of accidents at the workplace;
- c) Inspect the workplace including plant, machinery, and substance, with a view to ascertaining the safety and health of employees provided that the employer is informed about the purpose of the inspection;
- d) Accompany an inspector whilst that inspector is carrying out the inspector's duties in the workplace;
- e) Attend meetings of the safety and health committee to which that safety and health representative is a member;
- f) Subject to (g), make recommendations to the employer in respect of safety and health matters affecting employees, through a safety and health committee; and
- g) Where there is no safety and health committee, the safety and health officers shall make recommendations directly to the employer in respect of any safety and health matters affecting the employees.

In accordance with the above provisions, and to further avoid work related accidents and injuries, the contractor will:

- Provide occupational health and safety training to all employees involved in works. Provide protective masks, helmet, overall and safety shoes, and safety goggles, as appropriate.
- Provide workers in high noise areas with earplugs or earmuffs.

- Ensure availability of first aid box.
- Provide employees with access to toilets and potable drinking water.
- Provide safety and occupational safety measures to workers with Personal Protection Equipment (PPE) when installing pumps to prevent accidents during installation and follow safety measures in installing submersible pump and cleaning pipes.
- Properly dispose of solid waste at designated permitted sites landfill allocated by the local authorities and the receipts of waste from the relevant landfill authorities.
- Ensure that the head of the well is covered tightly.

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

7.2 Covid-19 Specific Occupational Health and Safety Measures

Construction works attract large number of workers and increase the risk for the spread of infectious diseases. This section provides COVID-19 specific provisions and guidance materials to be used while developing site-specific plans involving labor and construction activities. These provisions will apply to all project workers including Direct workers, Contracted workers, and Community workers. The following provisions will apply:

- The health conditions of the workers will be assessed prior to engaging them in the Project, and sick workers will be refused entry to the office premises
- Entry/exit to site or the workplace will be minimized, and measures will be put in place to limit contact between workers and the community/general public
- Trainings for workers on hygiene and other preventative measures will be carried out, and a communication strategy for regular updates on COVID-19
- Adjustments will be made to work practices to reduce the number of workers and increase social distancing
- Procedure to follow if a worker becomes sick (following WHO guidelines), will be instituted and followed
- Adequate supplies of PPE (masks); hand washing facility, soap and/or alcohol-based sanitizer, will be made available at the office premises/worksites
- Allocate a separate enclosed space for isolation if a worker is found to be suspected of infection until that person is directed to a medical facility for treatment.

These provisions have been drawn from several guidelines, guidance notes and technical briefs which will be consulted when preparing site-specific plans for labor and construction activities. While preparing the site-specific plans involving labor, the following guidance materials will be used:

- World Bank ESF/SAFEGUARDS INTERIM NOTE: COVID-19 CONSIDERATIONS IN CONSTRUCTION/CIVIL WORKS PROJECTS
- WHO guidance for Severe Acute Respiratory Infections Treatment Center
- WHO Advice on the use of Masks in the Context of COVID-19

- WHO guidance on Rational use of personal protective equipment for coronavirus disease (COVID-19) and considerations during severe shortage
- WHO guidance for Severe Acute Respiratory Infections Treatment Center.
- WHO IPC interim guidance: For guidance on infection prevention and control (IPC) strategies for use when COVID-19 is suspected
- WHO interim guidance on use of PPE for COVID-19: For rational use of PPE
- WHO guidance getting your workplace ready for COVID-19: For workplace-related advice
- WHO interim guidance: For guidance on water, sanitation and health care waste relevant to viruses, including COVID-19

7.3 Labor Influx and Gender Based Violence

Contractors will need to maintain labor relations with local communities through a Code of Conduct (CoC). The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior. The CoC must include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). The CoC should be written in plain language and signed by each workre before commencement of work to indicate that they have:

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

A copy of the CoC shall be displayed in a location easily accessible to the community and project affected people. It shall be provided in English and Liberian colloquial.

Contractors must address the risk of gender-based violence, through:

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

This process will be under the portfolio of the deputy project coordinator who shall identify and engage the relevant stakeholders on GBV and HIV and Aids issues.

8. AGE OF EMPLOYMENT

Chapter 2 sections 2.2 and 2.3 of the Decent Work Act 2015 strictly prohibit forced or compulsory labor and the worst forms of child labor in line with the ILO Worst Forms of Child Labor Convention (C182) and the African Charter on the Rights and Welfare of the Child. However, Section 21.2 of the Act sets a minimum age for full time employment, and also establishes a legal framework that enables children under 18 but not less than 15 years of age to participate in the labor market while ensuring that they do not do so to the detriment of their education, and that they are properly protected against work that would be harmful to their health, safety or moral or material welfare or development. Similarly, Section 21.4 of the Act prohibits hazardous work for children under the age of 18 in industrial undertakings, including work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; work underground, under water, at dangerous heights or in confined spaces and any other work that exposes children to physical, psychological or sexual abuse.

The minimum age of employment for this project shall be 18 years and to ensure compliance, all employees will be required to produce National Identification Cards as proof of their identity and age which is the national identification document required for employment. If any contractor employs a person under the age of 18 years, that contractor's will not only be terminated by MoE but also be reported to the authorities for possible prosecution.

9. TERMS AND CONDITIONS

As stated in section 3 of this LMP the terms and conditions of employment in Liberia are governed by the provisions of The Decent Work Act 2015. Part V of the Act sets out decent minimum working conditions for all those who work in Liberia and provides both employees and employers a fair and balanced mix of protection and flexibility in applying those conditions (Annex 1). **For this project, contractors will be required to provide all its employees with written particular of employment. Contractors will also be required to comply with the most current regulation on minimum wage which is issued by the Government through the MOL** and Minimum Wage Board on a regular basis. The Minimum Wage Board specifies the minimum wages, hours of work, overtime pay, and leave entitlements.

The MoE will require a contractor awarded a public contract to certify in writing that the wages, hour and conditions of work or persons to be employed by him on the contract are not less favorable than those contained in the most current wages regulation issued by the MoL. Where a contractor fails to comply with this requirement, the contract with the contractor may be withdrawn as an approved contractor upon recommendations of the Labor Commissioner.

In ensuring full compliance with the law in this regard, contractors will be required to furnish MoE with copies of the Written Particulars of Employment or copies of contract of its entire workforce. Contractors will not be allowed to deploy any employee to work in the project if such copy of employment of that employee has not been handed to MoE.

As a monitoring mechanism, **the LMP requires that a contractor shall not be entitled to any payment unless he/she has filed, together with his claim for payment, a certificate: a) stating whether any wages due to employees are in arrears; and b) stating that all employment conditions of the contract are being complied with.** The Labor Law of Liberia authorizes the office of the Labor Commissioner to intervene if

the contractor defaults in the payment of wages due to any of its employees by arranging for the payment of the wages to the employee out of the sum payable to the contractor. However, for this project, it will be a material term of the contract to allow MoE to withhold payment from contractor should the contractor not fulfill their payment obligation to their workers.

9.1 Worker's Organization

In pursuant of the numerous ILO Conventions aimed at ensuring that member states do protect the notion of collective bargaining and in effort to protect the fundamental rights enshrined in the Constitution of the Republic, section 2.6 of the Decent Work Act 2015 guarantees the rights of all employers and workers in Liberia, without distinction whatsoever, to establish and join organizations of their own choosing, without prior authorization, and subject only to the rules of the organization concerned to form organizations and to bargain collectively.

Hence, the MoE in the implementation of the project shall guarantee the rights of all LLFP workers to freely form, join or not join a trade union for the promotion and protection of the economic interest of that worker, and collective bargaining and representation. Presently the MoE recognized and has good working relationships with several worker unions within its employed including the National Teachers Association of Liberia (NTAL), National Principals Association of Liberia (NPAL) and the Staff Association of its Central Office. These unions have the right to represent its members during hearings and to negotiate favorable terms and conditions for their members amongst other rights.

10. DISCIPLINARY PROCEDURES AND GRIEVANCE MECHANISM

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

- Disciplinary action
- Individual grievances
- Collective grievances and negotiation of collective grievances
- Gender-based violence, sexual exploitation and workplace sexual harassment

10.1 Disciplinary procedure

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

The Liberian Labor Law sufficiently dealt with workplace disciplinary issues outlining measures and procedures of dealing with them. The Law (Both the Decent Work Act 2015 and Civil Service Standing Order) classified disciplinary measures in the workplace into categories based on the degree of offence or

ethical transgression, terms of contract and frequency of offense. They have major and minor offenses and actions to be taken in each case ranged from warning letter (appropriate for all first-time minor offenses and some serious offenses), to suspension without pay (for repeated minor offenses and some serious offenses), demotion (for unsatisfactory performance, repeated minor offenses or serious offenses), and termination of employment (for major offenses that amount to a “gross breach of duty” or “serious breach of duty” depending on the contract).

Under both labor law documents, minor offenses include among others late arrival at work, early departure from work, unauthorized absence (less than one day), and minor insubordination. Serious offenses include among others falsification of timesheets/logbook, while gross breach of duty (for fixed-term contracts) or serious breaches of duty (for indefinite contracts) include persistent disregard of safety regulations (posted notices), assaulting another member of staff, disclosure of confidential information, and unauthorized absence (more than one day). Employers are mandated to specify other “gross breaches of duty” in the contract e.g. failure to perform (needs clear job description and regular appraisals), harassment of other staff, unauthorized use of institution property, drunkenness, theft, assault and other criminal behavior, other serious misconduct like sleeping on duty, insubordination etc.

Chapter 14 of the Decent Work Act specifically outlined grounds for termination of employment contracts and the procedures to follow. The Act requires employers to establish a fair and effective disciplinary procedure in the workplace in line with the Law. The procedure is as follows:

- a) Conduct an investigation to determine whether there are grounds for a hearing to be held;
- b) If a hearing is to be held, the employer is to notify the employee of the allegations using a form and language that the employee can understand;
- c) The employee is to be given reasonable time to prepare for the hearing and to be represented by a fellow employee or a union representative;
- d) The employee must be given an opportunity to respond to the allegations, question the witnesses of the employer and to lead witnesses;
- e) If an employee fails to attend the hearing the employer may proceed with the hearing in the absence of the employee;
- f) Record all disciplinary measures taken;
- g) Make file note of any verbal warnings;
- h) All documents served on employee should be acknowledged in writing;
- i) Refusal to sign acknowledgement form, supervisor should indicate this on form with two employees called to witness refusal by employee to sign form;
- j) The hearing must be held and concluded within a reasonable time and is to be chaired by an impartial representative;
- k) If an employee is dismissed, it must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal to the Ministry of Labor or Civil service Agency (depending on the type of employee) for conciliation, mediation and/or arbitration as the case may be.

Therefore, it shall be incumbent upon all contractors under this Project to ensure that they have a disciplinary procedure and code and standards which the employees are aware of. Each contractor will be required to produce this procedure to ensure that employees are not treated unfairly.

10.2 Individual Grievance Procedure

Sections 14 and 9.2 of the Decent Work Act 2015 require every employer, including contractors, to have a Formal Grievance Procedure which should be known and explained to the employee. The sections recommend that such procedure should at least:

- a) Specify to whom the employee should lodge the grievance;
- b) Refer to time frames to allow the grievance to be dealt with expeditiously;
- c) Allow the person to refer the grievance to a more senior level within the organization, if it is not resolved at the lowest level;
- d) If a grievance is not resolved the employee has the right to lodge a complaint/dispute with Ministry of Labor.

All the contractors who will be engaged for the LLFP will be required to produce their grievance procedure as a requirement for tender, which at a minimum must comply with these requirements. In addition, good international practice recommends that the procedures be transparent, is confidential, adheres to non-retribution practices and includes right to representation. After they are engaged, they will be required to produce proof that each employee has been orientated and signed that they have been orientated on the procedure.

10.3 Collective Grievances and Disputes Resulting from the Negotiations of Collective Agreements

Where a trade union is recognized, it is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace and the employer is obliged to negotiate with it. The procedures followed in such instances is usually contained in section 36.3 of the Decent Work Act, which state how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation and the procedure to deal with issues that are not resolved through consensus. Paragraph a and b of the section deals with the handling of collective grievances as raise by the employees.

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

10.4 Gender-based Violence, Sexual Exploitation and Workplace Sexual Harassment

MoE is an equal opportunity employer but have zero-tolerance for gender-based violence, sexual exploitation or harassment in the workplace. In addition to provisions of the Decent Work Act on sexual harassment and exploitation, rape in all its forms is a non-billable crime under the Liberian Penal law. Similarly, the Bill establishing Sexual Offences and Domestic Violence has been passed by the Legislature and signed into Law by the President of Liberia on 14 August 2019. It now awaits printing into handbill by the Ministry of Foreign Affairs to come into effect as Law in Liberia. When this happens, it is expected that a related Code of Good Practice will be developed by the Ministry of Labor and Civil Service Agency in collaboration with the Ministry of Gender and Social Protection to address workplace issues. In the

interim, MoE will under the LLFP adopt and adhere strictly to the World Bank policies and procedures on sexual harassment and gender-based violence in the workplace.

MoE will, with support from consultants, identify institutions and services providers who are actively engaged in prevention of gender-based violence, sexual exploitation and workplace sexual harassment in order to establish a manual for referencing any potential survivors. The manual will be updated as capacity and services are rapidly evolving in Liberia. MoE, the Project Delivery Team and the contractor are not equipped to handle complaints or provide relevant services to survivors, but will reference any person to relevant service providers, including health facilities, law enforcement's gender unit or others, as relevant using the information on available services. Should grievances related to gender-based violence be reported through the project/contractor, the nature of the complaint will be recorded along with the age of the complainant and relation to the LLFPt will be recorded, and the issue will be referenced to the appropriate institutions for redress. Name and identity of the survival shall be kept confidential.

In addition, the ESIA may identify additional mitigation measures related to gender and such measures will be reflected in site specific ESMPs, including the contractors ESMP or contractors specific Labor Management Plans, where required. This will include engagement with communities on gender related risks, grievance and response measures available, as identified in the manual.

11. CONTRACTOR MANAGEMENT

MoE 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 MoE and the World Bank:

- **Labor conditions:** records of workers engaged under the Project, including contracts, registry of orientation of workers, 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/orientation:** 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.

The Project's oversight of contractors is set out in section 5 of this LMP. The following procedures are currently in place for MoE contractor management, but have been adjusted to adhere to LMP provisions:

1. Ensure that contractors have valid contracts with clearly define service level agreement in accordance with World Bank's procurement and contract management policy and all environmental and social requirements as applicable: PDT, reviewed by MoE's SMT and World Bank TTLs.
2. Contractor orientation to project standards and LMP: PDT, attended by MoE's Procurement Officer;
3. Monthly submission of records: Contractor submission to PDT, copied to PDT. This includes:
 - a. Managing incidents and accidents, the Incident Reporting and Investigation Procedure is followed and the Incident/Accident Monitoring Register is used to monitor.
 - b. Contractor employees recorded using Contractors Employee List.
4. Monthly site visits (at a minimum) and reports: PDT, MoE M&E Officer, DPE Officer;
5. Concerns or issues tracking using monitoring register: The M&E Specialist in the PDT, depending on issues of concern.
6. Evaluation of contractor requirements. This includes training, OH&S files, certifications and other. The evaluation results in Project Reports which includes recommendations for contract extension or termination.
7. Training needs identification recorded in Contractor Training Schedule: Project Coordinator, DPE Officer.
8. Annual Contractor Management Plans submitted: PDT's Procurement Specialist.

12. COMMUNITY WORKERS

The project does not intend to engage community workers. However, stakeholders such as school principals, Parent Teacher Association (PTA) members, community youth and women groups etc. may decide as beneficiaries to provide voluntary services in support of the project. Such offer will not be rejected but every effort will be made to ensure such engagement conforms to the requirements in the ESS2, the Decent Work Act, the Civil Service Standing Order, the Civil Service Human Resource Management Manual 2013, and this LMP.

13. PRIMARY SUPPLY WORKERS

This section addresses labor management risk associated with people employed or engaged by the Project's primary suppliers. Primary suppliers are suppliers who, on an ongoing basis, provide goods or materials directly to the Project.

The project will require procurement of a substantial amount of construction materials, including cements, planks, crush rocks, sands, commodes, zincs, steel rods and other building materials, electro-mechanical equipment such as wires, protection and control equipment, water pumps etc. It will also procure teaching and learning materials for both the over-age and regular ECE programs.

The procurement of construction materials from the primary suppliers will be done through the construction firms contracted. All contractors will therefore be required to assess the risk associated with primary supply associated with the Project and communicate this to the MoE through the DPE and PDT. The PDT and DPE will develop associated risks assessment form and share with the contractors for onward assessment of the primary suppliers. The PDT will directly procure the teaching and learning materials from primary suppliers; thus, will carry out the associated risk assessment.

All primary suppliers will be formal businesses with track records of procuring and producing materials of high standards. Any new supplier will be vetted using a different form which screens the supplier in regard to compliance with taxes, business registration certification, licensing, and workmen's compensation.

A separate form will be developed and shared with contractors that will require the primary supplier to identify the company's permanent staff and declare any current or prior arbitration as well as any criminal convictions. Registered suppliers are subject to regular review in accordance with the project by the Procurement and Contract Management team. The review will be carried out twice annually will require visit to the supplier's premises. The supplier evaluation form provides for the team to report any labor irregularity if observed.

These Labor Management Procedures require that, under the project, any primary supplier maintains records related to occupational injuries, illness and lost time accidents. These records will be subject to review by inspection twice annually and requires an update of the supplier evaluation form. The project 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. Any such incidents will be reflected in the observations section of supplier evaluation form.

1. Annex

Annex 1: Comparative Table of ESF and the National Requirements of Liberia

ESF Objectives	National Requirements	Remarks on Similarities/Actions
ESS2	Decent Work Act 2015	
<ul style="list-style-type: none"> To provide every employee with written particulars of employment 	<p>Section 13 of the Decent Work Act 2015 made basic provisions for full disclosure between employees and employers on employment contracts with different conditions depending on the type of contract. Concerning contracts of employment, it specifically states in 13.1</p> <p>d) Every contract shall contain all such particulars as necessary to define the rights and obligations of the parties and shall in all cases include:</p> <p>i) the name of the employer and the place of employment;</p> <p>ii) the name of the employee, the place of engagement and, where practicable, the place of origin of the employee and any other particulars necessary to identify the employee;</p> <p>iii) the nature of the employment and position to be held;</p> <p>iv) the duration of the employment;</p> <p>v) the appropriate period of notice to be given by the party wishing to terminate the contract, which shall not be less than the minimum period of notice provided for in the Act.</p> <p>Section 13.1 further states in:</p> <p>j) Without limiting the scope of the preceding provisions, an employer may comply with this section by:</p> <p>i. making a written contract of employment with an employee and providing the employee with a copy of the contract; or ii. making an oral contract with the employee and:</p> <p>(1) providing the employee with a written statement that contains the required information; or (2) if the terms of the oral contract are the same as those applying to other employees, posting a notice in the workplace which contains the required information in such languages as may be appropriate for the employees concerned.</p> <p>k) The employer shall keep a copy of the written contract or the written statement referred to in paragraph j) throughout the employee's</p>	<p>National requirement conforms to ESS2 and shall be adhered to during the implementation of the project.</p>

	employment, and for a period of five years after the termination of the employment.	
<ul style="list-style-type: none"> To promote safety and health at work 	<p>Chapters 24 through 28 of the Decent Work Act 2015 made adequate provisions to promote safety and health at work. The chapters particularly established a legal framework to:</p> <ul style="list-style-type: none"> a) secure the safety, health and welfare of employees and other persons at work; b) eliminate at their source, so far as is reasonably practicable, risks to the safety, health and welfare of employees and other persons at work; c) ensure that the safety and health of members of the public are not exposed to risks arising from work or workplaces; d) provide for the involvement of workers, employers, and organizations representing those persons, in the formulation and implementation of safety, health and welfare standards; and e) develop and promote a national preventative safety and health culture, meaning a culture: <ul style="list-style-type: none"> i) in which the right to a safe and healthy working environment is respected at all levels; ii) where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties; and iii) where the principle of prevention is accorded the highest priority. <p>Section 4.2 provides some specific definitions relative to Occupational Health and Safety concerns. Including amongst others</p> <ul style="list-style-type: none"> i) chemicals ii) disease iii) hazard iv)injury in relation to worker v) plant, machinery, equipment and tool vi)premises vii) risk viii) Self-employed person iv) substance, and x) substance for use at work. 	<p>National requirement fully satisfies ESS2 and will be adhered to during implementation of the project.</p>
<ul style="list-style-type: none"> To promote the fair treatment of, non-discrimination and equal opportunity of project workers 	<p>Section 2.7 of the Decent Work Act prohibits discrimination in the workplace. It specifically states that</p> <ul style="list-style-type: none"> a) No person shall discriminate against a person who works or who seeks to work in Liberia in an employment practice. b) No person shall discriminate against another in an employment practice because the person has exercised or attempted to exercise any of their rights in this Act. 	<p>Basically the same in objective. The Project shall conform to the national requirements.</p>

	<p>c) Discriminate means to apply any distinction, exclusion or preference which has the effect, whether directly or indirectly, of nullifying or impairing equality of opportunity or treatment, including the provision of remuneration or other benefits:</p> <ul style="list-style-type: none"> i) on a ground identified in section 2.4; or ii) because a person has exercised or sought to exercise, or is entitled to the enjoyment of any right conferred by this Act. <p>d) It is not unlawful by virtue of this section:</p> <ul style="list-style-type: none"> i) to distinguish, exclude or prefer any individual: <ul style="list-style-type: none"> (1) on the basis of an inherent requirement of a particular job; or (2) in the course of implementing affirmative action measures consistent with the purposes of this Act; ii) in the case of an employee who is pregnant, temporarily to reassign her to different duties or functions that are suitable to her pregnant condition, provided that the reassignment does not lead to reduction in remuneration or any other benefits in respect of her employment. <p>e) Affirmative action measures means measures to redress the disadvantages in employment experienced by persons, or groups, or categories of persons, in order to ensure their equitable representation in all occupational categories and levels in the workforce.</p> <p>Section 2.4 of the Act also provides Equal protection for all workers. It states that:</p> <ul style="list-style-type: none"> a) All women and men are entitled, without distinction, exclusion or preference to enjoy and to exercise the rights and protections provided in this Act. b) Without limiting the scope of the preceding provision, all persons who work or who seek to work in Liberia are entitled to enjoy and to exercise the rights and protections conferred by this Act irrespective of: <ul style="list-style-type: none"> i) race, tribe, indigenous group, language, color, descent, national, social or ethnic extraction or origin, economic status, community or occupation; ii) immigrant or temporary resident status; iii) sex, gender identity or sexual orientation; iv) marital status or family responsibilities; 	
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	<p>v) previous, current or future pregnancy or breastfeeding;</p> <p>vi) age; vii) creed, religion or religious belief; viii) political affiliation or opinion, or ideological conviction; ix) physical or mental disability; x) health status including HIV or AIDS status, whether actual or perceived; xi) irrelevant criminal record, acquittal of a crime or dismissal of a criminal prosecution against them; or xii) personal association with someone possessing or perceived to possess one or more of these attributes.</p>	
<ul style="list-style-type: none"> To prevent the use of all forms of forced labor and child labor. 	<p>Section 2.2 of the Decent Work Act 2015 prohibits any person in Liberia being subjected to forced or compulsory labor except in the cases of work or service:</p> <p>i) exacted in consequence of compulsory military service laws of general application, provided that the work or service in question is of a purely military character;</p> <p>ii) which forms part of the normal civic obligations of a citizen;</p> <p>iii) exacted as a consequence of a conviction in a court of law, provided that:</p> <p>a) it is carried out under the supervision and control of a public authority; and</p> <p>(b) no person is hired to or placed at the disposal of private individuals, companies or associations;</p> <p>iv) exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population; or</p> <p>v) which is in the nature of minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.</p>	<p>Basically the same. The Project shall conform to the national requirements.</p>

	<p>b) A person shall not directly or indirectly cause, permit or require any person to perform forced labour.</p> <p>Section 2.3 strictly prohibits the worst forms of child labor including:</p> <ul style="list-style-type: none"> i) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; ii) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; iii) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and iv) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or welfare of children. <p>Sections 21.3 however allow light work for children under the age of 15. It states that</p> <p>a) A child who is at least 13 years old may be employed to perform light work, provided that they:</p> <ul style="list-style-type: none"> i) may only work for a maximum of two hours in a day and fourteen hours in a week; and ii) are employed in compliance with any prescribed procedures. <p>b) For the purposes of this Act, light work means work or any other activity that:</p> <ul style="list-style-type: none"> i) is not likely to be harmful to a child's health or safety, moral or material welfare or development; and ii) is not such as to prejudice the child's attendance at school or their capacity to benefit from instruction. Also, section 21.4 defines types of hazardous work that are prohibited for children as stated below. <p>a) The following types of work are prohibited for children:</p> <ul style="list-style-type: none"> i) work which exposes children to physical, psychological or sexual abuse; ii) work underground, under water, at dangerous heights or in confined spaces; iii) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; 	
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	<p>iv) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; or</p> <p>v) work under particularly difficult conditions such as work for long hours or during the night, or work where the child is unreasonably confined to the premises of the employer.</p>	
<ul style="list-style-type: none"> To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law. 	<p>Section 2.6, 20.11 and 2.12 of the Decent Work Act guarantee the rights of all workers to freedom of association, to form organizations and to bargain collectively. Section 2.6 particularly says:</p> <p>a) All employers and workers in Liberia, without distinction whatsoever, may establish and join organizations of their own choosing, without prior authorization, and subject only to the rules of the organization concerned.</p> <p>b) Subject to this Act:</p> <p>i) an organization of employers or workers may draw up its own constitutions and rules, elect its representatives in full freedom, and formulate its own programme of lawful activities; and</p> <p>ii) employers and workers and their organizations may:</p> <p>(1) bargain collectively; and</p> <p>(2) engage in strike or lockout action in accordance with Chapter Forty One of the Act.</p> <p>Section 2.11 particularly states that:</p> <p>a) No person may do, or threaten to do, any of the following:</p> <p>i) require a worker:</p> <p>(1) not to be or not to become a member of an organization of workers; or</p> <p>(2) to give up membership of an organization of workers.</p> <p>ii) prevent a worker from exercising any right conferred by this Act or from participating in any proceedings under this Act; or iii) prejudice or threaten to prejudice a worker because of past, present or anticipated</p> <p>(1) membership of an organization of workers;</p> <p>(2) participation in the formation of an organization of workers;</p> <p>(3) participation in the lawful activities of an organization of workers; (4) failure or refusal to</p>	<p>In full alignment with ESS2 objective. The project shall apply the national requirements.</p>

	<p>do something that an employer may not lawfully permit or require a worker to do;</p> <p>(5) disclosure of information that the worker is lawfully entitled or required to give to another person;</p> <p>(6) exercise of any right conferred by this Act; or</p> <p>(7) participation in any proceedings under this Act.</p> <p>b) No person may advantage, or promise to advantage, a worker in exchange for that person not exercising any right conferred by this Act or for not participating in any proceedings under this Act.</p>	
<ul style="list-style-type: none"> To provide project workers with accessible means to raise workplace concerns. 	<p>In addition to section 2.6 of the Decent Work Act 2015, Sections 2.13, 2.15, 2.16 and 36.3 state how to raise working condition related issues, the procedure for negotiations, the composition of the parties involved in the negotiation, and the procedure to deal with issues that are not resolved through consensus. Paragraph a) and b) of the section deals mainly with the handling of collective grievances as raise by the employees. Section 2.15 and 9.2 through 9.8 also established remedies for contravention of fundamental rights. Section 2.15 particularly states:</p> <ul style="list-style-type: none"> a) A person who is the victim of a violation of a right protected by this Chapter may lodge a complaint under section 9.2. b) A registered trade union or registered employers’ organization, acting on behalf of a member of that trade union or registered employers’ organization, may lodge a complaint under section 9.2 alleging a violation of a right protected by this Act. 	<p>In alignment with ESS2. The project shall follow the national requirements.</p>
<ul style="list-style-type: none"> 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 	<p>Section 2.4 of the Decent Work Act 2015 provides equal protection for all workers and potential workers. The section states thus:</p> <ul style="list-style-type: none"> a) All women and men are entitled, without distinction, exclusion or preference to enjoy and to exercise the rights and protections provided in this Act. b) Without limiting the scope of the preceding provision, all persons who work or who seek to work in Liberia are entitled to enjoy and to exercise the rights and protections conferred by this Act irrespective of: 	<p>In full alignment with ESS2. The project shall follow the national requirements.</p>

<p>workers, community workers and primary supply workers, as appropriate.</p>	<p>i) race, tribe, indigenous group, language, colour, descent, national, social or ethnic extraction or origin, economic status, community or occupation; ii) immigrant or temporary resident status; iii) sex, gender identity or sexual orientation; iv) marital status or family responsibilities; v) previous, current or future pregnancy or breastfeeding; vi) age; vii) creed, religion or religious belief; viii) political affiliation or opinion, or ideological conviction; ix) physical or mental disability; x) health status including HIV or AIDS status, whether actual or perceived; xi) irrelevant criminal record, acquittal of a crime or dismissal of a criminal prosecution against them; or xii) personal association with someone possessing or perceived to possess one or more of these attributes.</p> <p>Section 2.5 provides the right to equal remuneration as thus:</p> <p>a) All women and men are entitled, without distinction, exclusion or preference, to receive equal remuneration for work of equal or comparable value.</p> <p>Equal remuneration refers to rates of remuneration established without discrimination based on sex.</p> <p>Section 2.7 also prohibits discrimination</p> <p>a) No person shall discriminate against a person who works or who seeks to work in Liberia in an employment practice.</p> <p>Also, section 2.8 prohibits sexual harassment in the workplace. It states:</p> <p>a) A person shall not directly or indirectly sexually harass a worker:</p> <p>i) in any employment practice; or ii) in the course of a person’s employment.</p> <p>b) Sexual harassment means:</p> <p>i) sexual conduct which is unwelcome, unreasonable, or offensive to the recipient, and which occurs in circumstances where a person’s rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person’s job; or</p> <p>ii) Sexual conduct that creates an intimidating, hostile or humiliating working environment for the person that is subject to that conduct.</p>	
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	<p>c) Sexual conduct means:</p> <p>i) conduct of a sexual nature, whether physical, verbal or non-verbal; or ii) conduct based on sex affecting the dignity of women or men.</p> <p>Chapter 9 of the Civil Service Standing Order defines sexual harassment in more detail and provides procedures for reporting, investigation and redress.</p> <p>Section 2.10 provides equal protection for persons living with HIV. It particularly states that</p> <p>a) Without limiting the generality of sections 2.4 or 2.9, workers and potential employees shall not be:</p> <p>i) excluded from work or employment on the ground of their HIV status, whether known or unknown; or</p> <p>ii) compelled or required, either before or during their work or employment, to:</p> <p>(1) submit to HIV testing at the workplace; or</p> <p>(2) Disclose their own HIV status, or the HIV status of any other person.</p>	
ESS4		
<ul style="list-style-type: none"> To anticipate and avoid adverse impacts on the health and safety of project-affected communities during the project lifecycle from both routine and non-routine circumstances. 	<p>In addition to the adequate provisions made in chapters 24 through 28 of the Decent Work Act 2015 to promote Occupational Health and Safety, the Liberia Environmental Protection Law 2002 has standards that protect the right of communities and persons to clean and healthy environment. Section 5 protects the right to clean and healthy environment, parts IV and V set environmental quality and pollution control licensing standards including standards on air, water, solid waste, noise, hazardous waste, ionization and radiation among others. Section 56 particularly prohibits discharge of hazardous substances and materials into the environment and spillers liability. Section 38 classified hazardous wastes and materials, and legal redress mechanisms are established in section 5. It states in part:</p> <p>1) Any person can assert their right to a clean and healthy environment in fulfillment of section (34) of the agency Act by: a) Petitioning the Agency to take action; b) Bringing action before the Environmental Court established under section (32) of the Agency act. 2) An aggrieved person shall submit a petition for</p>	<p>National requirements in full conformity with ESS4. The Project will adhere to these requirements.</p>

	<p>redress on a prescribed form and in a manner prescribed by the Agency detailing the issues to be resolved and attaching any supporting documents available to the person and the Agency shall respond within 21 days upon receipt of the petition. 3) If the agency does not respond within 21 days, and/or if the Agency action does not give redress, the aggrieved person may appeals to the Environmental Court in accordance with section (36) of the Agency Act; 4) Notwithstanding sub-sections (2) and (3), any person may, commence a citizen suit in the Environmental Court on his/her own behalf to accomplish the conditions set forth in section (32) of the Agency Act.</p>	

References

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