



## LABOUR MANAGEMENT PROCEDURE (LMP)

FOR

## RURAL ACCESS AND AGRICULTURAL MARKETING PROJECT SCALE-UP (RAAMP-SU) - P180640

# FINAL REPORT



**MAY 2024**

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## ACRONYMS

AIDS	Acquired Immune Deficiency Disease
CoC	Code of Conduct
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESO	Environmental Safeguards Officer
ESS	Environmental and Social Standard
FDRD	Federal Department of Rural Development
FGoN	Federal Government of Nigeria
FME <sub>env</sub>	Federal Ministry of Environment
FPMU	Federal Project Management Unit
FMAFS	Federal Ministry of Agriculture and Food Security
GBV	Gender-Based Violence
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HIV	Human Immunodeficiency Virus
LFN	Laws of the Federation of Nigeria
LGA	Local Government Area
LMP	Labour Management Procedure
MDA	Ministries, Departments and Agencies
NGO	Non-Governmental Organization
OHSP	Occupational Health and Safety Plan
OP/BP	Operational Policies / Bank Procedures
PDO	Project Development Objective
PIM	Project Implementation Manual
RAAMP	Rural Access and Agricultural Marketing Project
RAAMP-SU	Rural Access and Agricultural Marketing Project Scale Up
RAMS	Road Asset Management System
RARA	Rural Access Road Agency
RPF	Resettlement Policy Framework
RTTP	Rural Travel and Transport Policy
SEA/SH	Sexual Exploitation and Abuse/Sexual Harassment
SEP	Stakeholder Engagement Plan
SU	Scale Up
SPIU	State Project Implementation unit
SRF	State Road Fund
STI	Sexually Transmitted Infections
STDs	Sexually Transmitted Diseases
TA	Technical Assistance
ToR	Terms of Reference
WB	World Bank

## EXECUTIVE SUMMARY

### ES1: Project Background

The Federal Government of Nigeria (FGoN) has requested the Bank to increase the number of the Rural Access and Agricultural Marketing Project (RAAMP) participating states from 19 to 36 States of the country, which will be the RAAMP Scale-Up (RAAMP-SU). The project development objective of the RAAMP-SU is to improve rural access and climate resilience of communities in served rural areas and strengthen institutional capacity for management of the rural road network. The project will be guided by the Government's Rural Travel and Transport Policy (RTTP). The lead agency for the Federal Government will be the Federal Department of Rural Development (FDRD) of the Federal Ministry of Agriculture and Food Security (FMAFS). The Federal Project Management Unit (FPMU) will oversee the project on behalf of the FDRD, while the respective state governments of the concerned 36 States will implement it through respective State Project Implementation Units (SPIUs).

The overall environmental and social risks of the project are Moderate. Eight out of the ten World Bank Environmental and Social Standard (ESSs): ESS1 (Assessment and Management of Environmental and Social Risks and Impacts), ESS2 (Labor and Working Conditions), ESS3 (Resource Efficiency and Pollution Prevention and Management), ESS4 (Community Health and Safety), ESS5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement), ESS6 (Biodiversity Conservation and Sustainable Management of Living Natural Resources), ESS8 (Cultural Heritage), and ESS10 (Stakeholder Engagement and Information Disclosure) are relevant to the RAAMP-SU.

This Labor Management Procedure (LMP) was developed by the RAAMP FPMU in line with the Terms of Reference (TOR) in Annex 1. It identifies labor requirements and sets out the procedures for addressing labor conditions and risks associated with the proposed project, which is aimed at assisting the project to determine the resources necessary to address project Labor issues. However, each sub-project activity will as part of their ESMP, provide project-specific LMP adopted from this document. This LMP is enshrined within the context of the World Bank Environmental and Social Standard ESS2: Labor and Working Conditions.

### ES2: Overview of Labor Use on the Project

The categories for which the RAAMP-SU workers have been defined are provided below:

**Direct workers:** Direct workers will comprise a mix of government civil servants from various relevant line ministries and those deployed as technical consultants to work for either full or part-time by the FPMU and SPIUs under the project such as the National/Project Coordinator, Engineers, Procurement Officer, Internal Auditor, Accountant, Monitoring & Evaluation Officer, Gender Officer, Environmental Safeguard Officer, Social Safeguard Officer, Gender Based Violence (GBV) Officer, Communications Officer, Administrative officers, Storekeeper, Drivers, and Technical Assistants on infrastructure, safeguards, monitoring and evaluation.

**Contracted workers:** Two broad categories of contracted workers are expected. First is Consultant service providers who will provide implementation support services to the FPMU and SPIUs, such as to render consultancy services on monitoring and evaluation, infrastructure, preparation of environmental and social documents, design and supervision consultancy. Second

is the staff of civil works contractors to be engaged under the subproject's roads & drainage structures rehabilitation which will include skilled and unskilled labor.

**Community Workers:** This category of workers is made up of labourers sourced from communities where projects are meant for community development and the labour is a contribution by the community. This category of workers may include community members, community associations, farmer associations, youth groups etc. who mobilize themselves to support aspects of the project as part of their contribution to the development, whether paid or unpaid. While applying ESS2 provisions for community workers, the Project will pay specific attention to sensitization and training of community workers on Occupational Health and Safety (OHS) risks and related technical knowledge and behavioral awareness to minimize these risks.

**Primary Suppliers:** A primary supply worker is a worker employed or engaged by a primary supplier, providing goods and materials to the project, over whom a primary supplier exercises control for the work, working conditions, and treatment of the person. This will typically include workers of suppliers of construction materials for civil works such as sand, iron sheets, wood etc. It is required that all suppliers be assessed by the contractors to ensure compliance to required environmental and social management standards. The assessment shall be embedded in the tendering, hiring and contracting processes, and any due diligence measures required in the sourcing of contractors and suppliers for the project activities. The contractual documents for suppliers require explicit Codes of Conduct to be signed by the contractors/suppliers and all workers.

### **ES 3: Potential Labour Risks**

The potential labor risks associated with the project are moderate for the direct workers due to the nature of activities which are expected to have limited impacts as they can largely be avoided, minimized, or managed through appropriate procedures and measures, including those set out in this LMP. The main risks for project workers may arise during construction work where most of the labour are used, and may include unfair recruitment and selection practices which could discriminate against women and vulnerable groups, exploitative wages, , occupational health and safety (OHS) risks due to poor work safety culture, accidents/incidents, lack of provision of PPE for workers and lack of enforcement on usage, Gender Based Violence (GBV) and workplace sexual harassment, poor welfare, security risks to workers, child labor, forced labor among others.

### **ES 4: Overview of Labor Legislation**

In developing this LMP, compliance obligations have been documented and will serve as supplemental policies to guide the implementation of this LMP. These include national laws, international laws, the Labour Act, applicable Laws of the Federal Government of Nigeria, and particularly the World Bank ESS 2, covering general provisions such as:

- Protection of wages.
- Contracts and terms and conditions of employment.
- Fair treatment and equal opportunities for project workers.
- Hours of work and overtime.
- Employment of women.

- Labour health matters.
- Prohibition of forced labour.
- Labour complaints.

### **ESS 5: Roles and Responsibilities for Managing the LMP**

The project will be implemented by the participating states and coordinated by the FPMU under the Federal Ministry of Agriculture and Food Security (FMAFS). Both the FPMU and SPIUs will be staffed with environmental and social safeguards officers and technical assistants amongst other staff.

The supervision consultant will be responsible for the daily implementation and supervision of this LMP, while the SPIU will have the overall responsibility to oversee all aspects of the implementation of this LMP including contractor's compliance and will also address all LMP aspects as part of procurement for works/services and contractor induction/training through the Environmental, Social and the GBV team.

Contractors will be responsible for the engagement of their workers and training them on their various job descriptions and safe work procedures. Contractors will be expected to prepare site-specific Occupational Health and Safety plans, Campsite Management Plans and Security Management Plans and train their workers accordingly under the supervision of the SPIU Environment and Social Safeguard team. Table 6 identifies the functions and/or individuals within the project responsible for the implementation of the LMP.

### **ESS 6: Policies and Procedures for Labour Management in the Project**

The guiding LMP policies for the proposed project include:

- i. There shall be non-discrimination and equal opportunity provided for all workers.
- ii. The terms and conditions of employment shall be outlined in clear and understandable terms, ensure fairness of employment terms and conditions against the applicable and prevailing National stipulations for all workers.
- iii. All Government workers deployed to work on the project shall be given official letters of deployment by their parent ministries.
- iv. There shall be provision of safe and healthy working conditions for all category of workers, void of worker exploitation, and provision of standard facilities (office accommodation, potable water and sanitation, housing where required).
- v. The contractors shall conduct job hazard and risk assessment and implement actions to address such risks, while also providing adequate work tools and personnel protective equipment to all workers.
- vi. Timely and adequate training on OHS shall be provided to all category of workers.
- vii. There shall be no use of child labour or forced labour.
- viii. Workplaces shall be free of Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV).
- ix. Grievance mechanism for workers shall be instituted at all levels of engagement in consultation with the affected worker category.
- x. Workers shall have their right of association and collective bargaining.



- xi. There shall be proper documentation of contractor's/supplier's management in line with OHS requirements.
- xii. Termination of appointment shall be valid or reasonable, clear and unambiguous, without prejudice and the employee must be aware of the reason.
- xiii. There shall be continuous consultation with workers on the effectiveness and improvement of the Labour Management Procedures.

#### **ES7: Grievance Mechanism for Workers**

This LMP recognizes the significance of having a structured process for managing complaints and has established a grievance mechanism for workers. Thus, a workers Grievance Mechanism (GM) will be implemented in a manner that will ensure that all complaints from workers are addressed appropriately, with corrective actions implemented, and the complainant provided with continuous feedback and the outcome. The proposed project recognizes that various categories of workers may be deployed to work on the project and as such appropriate grievance procedures have been defined in this LMP.

#### **ES 8: Contractor Management**

The LMP will form an integral part of the bidding documents to be issued to consultants/contractors and shall form part of the awarded contracts to all consultants/contractors. Selection of consultants / contractors shall be made according to the World Bank procurement procedures as provided in the World Bank Standard Procurement Documents and applicable Nigerian laws. Measures will be put in place by the SPIU to ensure compliance of all requirements of the LMP by the contractors, with an adequate monitoring system, as presented in this report.

## 1. INTRODUCTION

### 1.1 Project background

The Federal Government of Nigeria (FGoN) has requested the Bank to increase the number of RAAMP participating states from 19 to 36 States of the country, which will be the RAAMP Scale-Up<sup>1</sup>. The RAAMP-SU will build on the gains made by the parent project and the lessons learnt from its mid-term review. The RAAMP scale-up is the continuity of the rural road access projects series in Nigeria and intends to leverage significantly rural road asset management and its institutional framework. The proposed scale-up will continue the support provided to the rural connectivity agenda in the country through the Rural Access and Mobility Project Phase 1 RAMP-1 (P072644), the Second Rural Access and Mobility programs or RAMP-2 (P095003) and the ongoing Nigeria Rural Access and Agricultural Marketing Project (P163353) financed by the World Bank and the Agence Française de Développement (AFD), as well as Nigeria Access to Agri Markets, recently approved by European investment Bank (EIB) In addition to targeting the boarding of new states into the rural accessibility program and building on the gains made and lessons learned, the RAAMP SU will have a significant transformational role in addressing structural barriers, notably improving rural road's sustainability.

The project development objective of the RAAMP-SU to improve rural access and climate resilience of communities in served rural areas and strengthen institutional capacity for management of the rural road network. The project will be guided by the Government's Rural Travel and Transport Policy (RTTP). The lead agency for the Federal Government is the Federal Department of Rural Development (FDRD) of the Federal Ministry of Agriculture and Rural Development (FMARD). The Federal Project Management Unit (FPMU) is overseeing the project on behalf of FDRD, while the respective state government of the 36 States will implement it through the State Project Management Units (SPIUs).

The main beneficiaries of the project would be rural people living in the project influenced areas, mostly smallholding farmers who rely almost exclusively on agriculture and livestock for subsistence.,these include rural farmers., The project will improve rural access and other income-generating sources for women, children, and vulnerable groups who are dependent on rural roads for their daily economic and social activities. Indirectly, it will help (i) small farmers to reduce post-harvest losses and improve business activities for the small and medium enterprises, (ii) enhance the volume of agricultural products traded, and (iii) increase the overall country's food security by facilitating agricultural outputs. In some states, some roads may even contribute directly to areas with food shortage.

The project will help improve the institutional arrangement for rural roads and provide sustainable funding for its maintenance in participating states by creation of dedicated funds for rural road maintenance that will promote sustainable funding for the upkeep of infrastructure to reduce post-harvest loses, access to social services such as health centers, markets, and schools. It will also improve asset management through the development of dedicated agencies. The

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<sup>1</sup> RAAMP refers to the parent parent project with 19 pioneer states

RAAMP-Scale-UP (RAAMP-SU) denotes the planned scale up program open to all states in Nigeria

project will generate employment, including long-term jobs for maintenance crews responsible for the routine maintenance of rural roads.

## 1.2 Project Components

The project will have four distinct components as follows:

**Component A: Improvement of Resilient Rural Access (US\$ 387 million):** This component aims to ensure year-round rural access to socio-economic services, agriculture markets, and job opportunities through the rehabilitation/upgrading of selected rural roads and their resilience to climate change impacts in participating states.

The component comprises two subcomponents:

**Subcomponent A.1: *Climate-informed Rural roads rehabilitation/upgrade (US\$ 340 million)*:** About 3000 km of rural roads to and from socio-economic community infrastructure will be rehabilitated or upgraded by the project to enhance the resilience of the rural road network to climate change impacts and ensure year-round connectivity. Selection criteria will follow a two-stage process to prioritize state commitments to institutional reform. The rural roads will be then selected for rehabilitation or upgrading considering climate change-related hazard levels, exposure and vulnerability of the rural roads, ancillary assets, and socio-economic benefits to communities served. Rehabilitation works will include climate resilience and flood protection measures, such as repairing, and strengthening bridges and culverts, slope stabilization, erosion protection improvements, road surface repairs or resurfacing, and other engineering solutions. As much as possible, the project will adopt technical considerations to rapidly capture flood waters and facilitate water flows from the surface and drainage of the main and upstream to recycle them into agriculture activities. The project will also explore techniques from the Green Roads for Water approach and any additional physical measures, as needed (see annex 6). The envisaged civil works will also focus on local resource-based solutions/materials that are compatible with the local context/conditions.

**Subcomponent A.2 (US\$ 27 million): Technical support for Rural Roads rehabilitation/upgrade** required for the successful implementation of subcomponent A.1. including (a) technical design (including consulting services for incorporating nature-based solutions and “Green Roads for water” approach), environmental and social safeguards instruments, and bidding document for project related activities; (b) monitoring and supervision of the implementation of the civil works, including the Occupational Health and Safety plan (OHS) and Road Safety Management during works as well as the resettlement action plan (RAP).

**Subcomponent A.3: Social inclusion and promotion of gender equality (US\$ 20 million equivalent)** will be fully integrated as part of the project through (a) the scale-up of the Maternal Newborn and Child Emergency Transport Services (MANCETS) initiatives in participating states. Converted three-wheelers into mini ambulances, will be handed to health facilities identified along the roads to be rehabilitated and will contribute to the reduction of rural maternal mortality and facilitate access of giving birth mothers to Primary Health Care (PHC) centers. The National Emergency Medical Service and Ambulance System (NEMSAS) will support the project in the implementation and monitoring of this activity. (b) The establishment of an apprenticeship program within the RARAs to train young men and women engineers, with a particular focus on gender inclusion. As part of the program, a stipend will be provided to participants complemented by a mandatory rotation within several departments of the institution and mentorship by senior engineers. A non-bidding MOU between the RARAs, several engineering universities, and contractors will be signed to facilitate the school-to-work transition.

**Component B: Climate Resilient Asset Management (US\$ 158 million equivalent):** This component aims to carry out climate-informed maintenance activities to enhance the resilience

of the rural road network, building on the sector and institutional reforms established by the parent project, and the enhancement and of established climate resilient road asset management systems NiTRIMS<sup>27</sup> in newly established state road authorities (RARAs).

This component comprises of three sub-components:

**Subcomponent B.1: Asset management improvement and Resilience scale-up (US\$ 155 million equivalent).** This subcomponent will finance: (a) climate risk-informed routine and periodic maintenance of 3500 km of rural roads identified through the Annual Road Maintenance system (ARMP) by the established RARA in participating states; (b) technical design, environmental, and social safeguards instruments, and bidding document for project related maintenance activities; (c) monitoring and supervision of the implementation of maintenance works.

**Subcomponent B.2: Development and implementation of a climate risk-informed road asset management system (US\$ 3 million equivalent).** This component entails (a) The revision of road maintenance protocols to integrate climate resilience considerations in rural road maintenance activities (b) The development and integration of a climate risks module in the NiTRIMS system and the compilation and collection of the data required, including the establishment of data collection and compilation protocols, the establishment of inter-agency cooperation agreements, and other provisions for continued system updates. (c) The addition of poverty, health, and education data (collected through satellite imagery and other sources of geospatial Big Data) to the NiTRIMS system layered with climate considerations for most climate-vulnerable population segments, in road prioritization for rehabilitation and maintenance. (d) Rolling out the use of NiTRIMS in all 36 states (building on activities from previous RAAMP phases, and (e) RARAs staff training and strengthening their capacities for the adoption of NiTRIMS (with the additional climate and social considerations).

**Component C: Institutional Strengthening and Project Management (US\$ 55million equivalent):**

The component comprises two sub-components:

**Subcomponent C.1: Project Management (US\$ 20 million equivalent).** which will support project operating costs, training, project monitoring, and impact evaluation activities. It will also cover TA consultancies including support to the Department of Lands under the Ministry of Agriculture and Food Security to address the resettlement activities systematically. This sub-component will also support project risk mitigation activities including third-party monitoring for sexual exploitation and abuse (SEA), gender, and Grievance Mechanism (GM).

**Subcomponent C.2: Institutional Strengthening and sector reforms (US\$ 35 million equivalent).** This entails the provision of technical advisory services and capacity strengthening activities, building on previous state-level sector reforms supported in earlier stages of the RAAMP program, to ensure the sustainability of these institutions. Specifically, it will aim to cover: (a) Continuation of state-level road sector reform activities, including identification, evaluation, and implementation of measures to improve the institutional and financial sustainability of the newly established entities (RARA & SRF) in participating states. (b) TA to develop a climate risk assessment and management framework for the rural road network to inform transport planning and the selection of priority roads for investment (rehabilitation and upgrading). This component will also entail the development and operationalization of a climate risk management plan for rural roads (and served rural communities) at the state level and at the federal level, for mapping of possibilities of adoption of the “Green roads for water” approach. This subcomponent will also finance RARA building capacities to conduct local-level climate risk assessments to inform road civil works related to road rehabilitation, upgrading, construction, and maintenance. Provision of TA and training on the revision of procurement protocols to integrate climate risks and resilience

considerations in road construction/rehabilitation/upgrading designs, and incorporation of climate risks and resilience considerations in the rural roads asset management system. Support will also entail the development of national guidelines on climate-resilient design standards for rural roads, bridge construction, rehabilitation, upgrading/retrofitting, and maintenance as well as the development of climate-resilient technical standards. (c) Rural road safety's institutional strengthening both on Federal and state level. (d) Support for the operationalization of the National Rural Road directorate (NDRR) to be mandated under the newly established National Agriculture Development Fund (NADF), including operational budget, technical support for governance and institutional management, as well as building capacities related to climate risk management and incorporation of climate considerations in decision making.

**Component D: Contingent Emergency Response (US\$0.0, IDA).** The component will address emergency needs as agreed with the government following an officially declared natural disaster. This component allows for possible reallocation of uncommitted project financing in the event of a natural disaster. As per standard Bank procedure, a CERC Manual and an Emergency Action Plan (EAP) would be prepared separately and approved by the Bank, as a disbursement condition for the CERC. If this component is activated, the project will be restructured to reallocate funds, and to revise the PDO, indicators, and implementation arrangements as needed. The CERC activities will be done according to the CERC Manual and the Emergency Action Plan.

### **1.3 Environmental and Social Risk of the Project**

The overall environmental and social risks of the project are Moderate. This is based on an initial environmental and social assessment of project activities. Eight out of the ten World Bank Environmental and Social Standards: ESS1 (Assessment and Management of Environmental and Social Risks and Impacts), ESS2 (Labor and Working Conditions), ESS3 (Resource Efficiency and Pollution Prevention and Management), ESS4 (Community Health and Safety), ESS5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement), ESS6 (Biodiversity Conservation and Sustainable Management of Living Natural Resources), ESS8 (Cultural Heritage), and ESS10 (Stakeholder Engagement and Information Disclosure) are relevant to the RAAMP-SU. Considering the parent project was prepared under the safeguard policies, all relevant environmental and social risk management documents (Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF), Stakeholders Engagement Plan (SEP) are currently being updated to be consistent with the Environmental and Social Framework (ESF) and will be disclosed prior to appraisal.

#### **1.3.1 Environmental Risks**

The project will focus on civil works including the upgrading of rural roads and the construction of short-span cross-drainage structures (culverts/bridges) on rural roads. Rehabilitation works will include climate resilience and flood protection measures, such as, repairing, and strengthening of old bridges and culverts, slope stabilization. The potential environmental risks and impacts associated with the proposed activities during both construction and operation stages could include air pollution, dust, vibration, and noise pollution, water pollution, and occupational health & safety risks. The works could also potentially result in the clearing of vegetation along the road corridor during construction, causing vibration and soil contamination in the event of oil leakage from storage containers, or during accidental spills. Sand mining from

excavation sites/burrow pits could further cause land degradation. Onsite waste may include hazardous waste (asphalt, bitumen, etc.) generated from construction materials, human waste from the site workers, and food waste/garbage, etc. Mitigation of the potential risks and impacts will be addressed using the Environment and Social Management Plan (ESMP) which will be prepared as soon as the specific sites are identified, and the commitments based on information provided by the relevant ESF documents currently in preparation, shall be captured in the Environment & Social Commitment Plan (ESCP). In addition, Environmental and Social Management Plans (ESMPs) will be prepared for site-specific projects.

### **1.3.2 Social Risks**

The proposed project activities could lead to community health and safety risks, loss or disruption of income or livelihood activities for individuals or groups, and involuntary land acquisition during the rehabilitation of these rural roads. Risks associated with the use of labor are also considered to be significant. In addition, due to the nature of the project rural communities with the presence of people within the poverty level and children, the risks of Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH)/Gender Based Violence (GBV) risk are also significant.

The Resettlement Policy Framework (RPF) prepared under the parent project is currently being updated in line with the provisions of ESS5 which provides a framework to address issues that affect land, assets, and livelihood activities. In addition, Resettlement Action Plans (RAPs) consistent with the provisions of ESS5 will be prepared for site-specific projects where required.

The RAAMP (parent project) conducted significant work on SEA/SH/GBV risk mitigation measures including preparation and implementation of a GBV Action Plan / Accountability and Response Framework, and mapping of service providers, these will be integrated into the RAAMP-SU and used as appropriate. A security risk management was developed under the parent project which will be revised and finalized to address potential security risks under the RAAMP-SU.

The Project will also strengthen the already existing Grievance Mechanism (GM) to respond to complaints throughout the project life cycle. The GM will establish potential avenues for users to submit their grievances to SPIUs at the subnational and national level through various channels such as in person, by phone, email, or letter, including Information Communication Technology (ICT) based GM and social media platforms.

### **1.4 Rationale for the Labour Management Procedure (LMP)**

This Labor Management Procedure (LMP) has been prepared for the RAAMP-SU to ensure compliance with Environmental and Social Standard 2 (ESS2) on Labour and Working Conditions, in accordance to the TOR in annex 1. It 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.

The World Bank has rated the risks and impact associated with workers as well as community health and safety, and the risk associated with Labor impact as moderate due to the nature of project activities which are expected to have limited impacts as they can largely be avoided, minimized or managed through mitigation measures, including procedures set out in this LMP. The LMP will be reviewed continually during project implementation and adequate measures and procedures to manage negative impacts will be revised.

## **1.5 Objectives of the Labour Management Procedure (LMP)**

The main objective of the LMP is to recognize the importance of employment creation and income generation on the project, in the pursuit of poverty reduction and inclusive economic growth. Other objectives include:

- To promote safety and health at work including employees and contractors, and others who may be exposed to risks associated with the RAAMP-SU project activities.
- To promote fair treatment, non-discrimination in hiring, remuneration, and access to training, on the grounds of race, national or social origin, birth, religion, disability, gender, sexual orientation, union membership, political opinions, and age, and promote equal opportunities
- To ensure adequate welfare of workers including access to good accommodation, food, potable water, Water Sanitation & Hygiene (WASH) facilities and healthcare etc.
- To prevent the use of all forms of child labor, or forced labour in direct operations and in the supply chain.
- 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 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 and grievances in a manner that treats affected individuals with respect and dignity and without threat, abuse, or ill-treatment.

## **1.6 Scope of The Labour Management Procedure**

This LMP describes the requirements and expectations in terms of compliance, reporting, roles, supervision and training with respect to labor and working conditions, including camp accommodation for workers. The LMP covers all categories of workers excluding government workers/civil servants working in connection with the project except there is a legal transfer of their employment or engagement to the project. The LMP sets out the following procedures:

- xiv. Overview of labor use on the project
- xv. Assessment of key potential labor risks
- xvi. Brief overview of labor legislation (Terms and conditions)
- xvii. Brief overview of labor legislation (Occupational Health and Safety)
- xviii. Responsible Staff
- xix. Policies and procedures including
  - xx. Non-discrimination and equal opportunity
  - xxi. Age of employment
  - xxii. Terms and conditions of employment
  - xxiii. Working conditions
  - xxiv. Occupational health and safety
  - xxv. Child labour and forced labour
  - xxvi. Sexual harassment (SH), sexual exploitation and abuse (SEA), gender-based violence (GBV)
  - xxvii. Grievance Redress mechanism (GRM)

- .viii. Right of association and collective bargaining
- xxix. Contractors' management
- xxx. Primary suppliers
  - Contractor Management
  - Primary Supply Workers

The LMP will be implemented by the SPIUs in the implementing states with guidance from the FPMU safeguards unit. All contractors and supervision consultants engaged in the project will be expected to comply with the provisions of this LMP.



## 2.0 OVERVIEW OF LABOUR USE IN THE RAAMP-SU

### 2.1 Type of Workers

The RAAMP-SU project activities will include different categories of workers who will be engaged in different activities. ESS 2 categorizes the workers into direct workers, contracted workers, community workers, and primary supply workers. Project workers refer to:

- i. people employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project (direct workers);
- ii. people employed or engaged through third parties (contractors, subcontractors, brokers, agents or intermediaries) to perform work related to core functions of the project, regardless of location (contracted workers);
- iii. people employed or engaged by the Borrower's primary suppliers (primary supply workers).

The categories for which the RAAMP-SU workers have been defined are provided below:

- xxxi. **Direct workers:** Direct workers will comprise a mix of government civil servants from various relevant line ministries and those deployed as technical consultants, full and part-time by the FPMU and SPIUs under the project. The former will be governed by a set of public service rules, the latter by mutually agreed contracts. Leveraging on the parent project, these workers typically include those seconded from relevant ministries such as the National Coordinator, Engineers, Procurement Officer, Internal Auditor, Accountant, Monitoring & Evaluation Officer, Gender Officer, Environmental Safeguard Officer, Social Safeguard Officer, GBV Officer, Communications Officer, administrative officers, storekeeper, drivers, and technical assistants on infrastructure, safeguards, monitoring and evaluation.
- xxxii. **Contracted workers:** Two broad categories of contracted workers are expected. First is Consultant service providers who will provide implementation support services to the FPMU and SPIUs, such as to render consultancy services on monitoring and evaluation, infrastructure, preparation of environmental and social documents, design and supervision consultancy. Second is the staff of civil works contractors to be under the subprojects roads & drainage structures rehabilitation including skilled (resident engineer, site supervisor, Health & safety officer etc.) and unskilled (foreman, bricklayer, carpenter, mixer etc.) labor.
- xxxiii. **Community Workers:** This category of workers is made up of labourers sourced from communities where projects are meant for community development and the labour is a contribution by the community. This category of workers may include community members, community associations, farmer associations, youth groups etc. who mobilize themselves to support aspects of the project as part of their contribution to the development, whether paid or unpaid. The Project will pay specific attention to ensure that forced and child labour are totally avoided, conduct sensitization and training of community workers on OHS risks, and the technical knowledge and behavioral awareness to minimize the risks.
- xxxiv. **Primary Suppliers:** Primary supply workers are those employed or engaged by a primary supplier providing goods and materials for the project. These will typically

include workers of suppliers of construction materials for civil works such as sand, iron sheets, wood etc. The SPIUS will ensure that all suppliers and contractors engaged to work on the RAAMP-SU are assessed to ensure compliance with the required environmental and social management standards. The assessment shall be embedded in the tendering, hiring and contracting processes, and any due diligence measures required in the sourcing of contractors and suppliers for the project activities. The contractual documents for suppliers require explicit Codes of Conduct to be signed by the contractors/suppliers and all workers. Periodic mandatory training of all workers on Sexual Exploitation and Abuse issues and Code of Conduct shall be carried out. The contractor shall develop a Gender Based Violence (GBV) Action Plan including an Accountability and Response Framework to be included in the contractor ESMP.

## 2.2 Number of Project Workers

The RAAMP-SU is in the project preparation stage and the specific project sites are yet to be selected. Therefore, the exact number of personnel/ workers required for each project activity and staffing level cannot be exactly determined at this stage. Once sub-projects are known, site-specific Labour Management Procedures will be prepared as a part of the Environmental and Social Impact Assessment/Environmental and Social Management Plans. However, based on the experience of the parent project upon which the RAAMP-SU will be scaled up, the following number of workers estimates can be made:

- xxxv. Direct workers are estimated at 1,320 workers (FPMU:60 workers, SPIU: 35 workers X 36 states).
- xxxvi. It is estimated that 14,820<sup>2</sup> contractor workers will be engaged on the project. Preference will be given to local workers, including those who may come from host communities to work as unskilled labour, to reduce labor influx related social risks and impacts.
- xxxvii. Community workers can be estimated based on likely community associations that may choose to provide services as 1,296<sup>3</sup>.
- xxxviii. Primary supply workers can be estimated as 3,240<sup>4</sup>

Based on the above, an estimated number of 20,676 workers are expected to work on the RAAMP-SU.

## 2.3 Characterization of Labour requirements

Given the nature of the project and categories of workers required, the workforce will comprise of both skilled and unskilled labour, technical staff and government civil servants, full-time, part-time, migrant/seasonal workers, characterized as local workers, national or international migrants, etc. The characterization in table 1 below is based on experience and estimates from the ongoing parent project.

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<sup>2</sup> 5 skilled workers+50unskilled workers per contractor team. About 6 contractor teams per state X 36 states. Design team 3 per state X 10 staff x 36states. Contracted parties for technical assessments 1,440. 1500 skilled workers in the O&M phase

<sup>3</sup> 12 persons per lot, per 3 Lots per state

<sup>4</sup> 3 suppliers per contractor X 5 staff each X 6 contractors per state X 36 states

**Table 1: Characterization of Labour Requirements**

<b>Class of Labor</b>	<b>Description</b>	<b>Estimated Number</b>
Government workers	Civil servants deployed from the RAAMP-SU parent ministries at the Federal and state levels and other relevant ministries including ministry of agriculture, women affairs, environment, finance, housing and urban development. etc. usually on secondment to the project for a period	1,130 (FPMU level: 50 officers, SPIU level: 30 officers X 36 states)
Technical consultants	Qualified experts in various fields engaged to support the project either on fulltime or part time basis both at the FPMU level and the SPIU levels	190 consultants (FPMU level: 10 consultants, SPIU level: 5 consultants X 36 states)
Consultancy Service contracts workers	Those engaged in consultancy services to prepare documents and reports on the project such as engineering designs, ESMPs, RAPs, other assessments etc.	1,440 persons (2 safeguards firm <sup>5</sup> X 5 staff X 36 states, 3 design firms <sup>6</sup> X 10 staff X 36 states)
Skilled workers	Those highly trained, educated, or experienced segments of the workforce that can complete more complex mental or physical tasks on the job. This includes the resident engineers, site supervisor, HSE specialist, drainage specialists etc.	1,080 skilled workers (5 skilled workers per contractor team X 6 Contractors per state X 36 states)  1,500 skilled workers to be engaged during the Operation & Maintenance phase
Unskilled workers	A segment of the workforce associated with a limited skill set, usually associated with manual and physical labor. This includes the foreman, bricklayer, carpenter, mixer etc. This includes both local workers and those from adjoining areas seeking employment	10,800 unskilled workers (50 unskilled workers per contractor team X 6 Contractors per state X 36 states)
Local workers	This refers to those that will be sourced from the local communities by the contractors mostly as unskilled labor (usually about 50% of unskilled labor) or also community workers	5,400 local workers  1,296 community workers (as stated in section 2.2 above)
National workers	Refers to the workforce that are Nigerians across all levels: FPMU, SPIU, Design firm, contractor firm, consultancy firms etc.	13,541 (100% government workers, 90% of technical consultants, 70% of consultancy service providers, 40% of skilled contractor workers, 100% unskilled workers)
International migrants	Those that are non-Nigerian nationals (foreign nationals)	1,099 (10% of technical consultants, 30% of consultancy services, 60% of skilled labor on contractor team)
Female workers	Women engaged at various levels on the project	1901

<sup>5</sup> Assume each state will engage one firm for ESMP and one firm for RAP, each with about 5 team members

<sup>6</sup> Assume each state engages 3 design and supervision firms, each with 10 staff each

		(60% of FPMU, 40% of SPIU, 10% of contractors & design team, 10% of primary suppliers)
Youthful population	Those between the ages of 18 – 25	7,560 (about 70% of unskilled workers)
Indirect workers	Such as primary supply workers of goods including their drivers and other staff	3,240 (3 suppliers per contractor X 5 staff each X 6 contractors per state X 36 states)

## 2.4 Timing of Labor Requirements

The timing and sequencing of labor requirements in terms of numbers, locations, types of jobs and skills required.

**Table 2: Timing of Labor Requirements**

Project Phase	Activities	Type of workers	Skills Required	Number of workers	Location	Schedule	Support services
Preparatory	<ul style="list-style-type: none"> <li>Preparation of documents such as E&amp;S documents, designs, other studies</li> <li>Selection of roads/road inventory</li> </ul>	Direct Workers	Technical team	1,320	FPMU/SPIUs	6 months	Office accommodation, salaries, and workers welfare
		Contracted workers (design and supervision firms)	Skilled Labor	1,080	SPIUs		
				<b>Total = 2,400</b>			
Pre-Construction	<ul style="list-style-type: none"> <li>Preparation of staging area</li> <li>Mobilization of equipment &amp; personnel to site</li> <li>Land clearing and removal of vegetation</li> <li>Siting and preparation of base camps</li> </ul>	Contracted workers	Skilled Labor	1,512 <sup>7</sup>	Project site	2 months	Base camps Office accommodation Water and sanitary facilities Wages and salaries Workers welfare Security
		Community workers	Unskilled Labor (including local workers)	2,160 <sup>8</sup>	Project site		
	Direct workers	Technical team	1,320	FPMU/ SPIUs			
				<b>Total = 4,992</b>			
Construction	<ul style="list-style-type: none"> <li>Groundworks and Excavation</li> <li>Rehabilitation works</li> </ul>	Contracted workers	Skilled Labor	2,160 <sup>9</sup>	Project site	48 months (4 years)	Base camps Office accommodation Water and sanitary facilities Wages and salaries
			Unskilled Labor	10,800 <sup>10</sup>	Project site		

<sup>7</sup> (2 skilled worker per contractor team X 6 Contractors X 36 states) + all design & supervision team staff

<sup>8</sup> 10 unskilled worker per contractor X 6 contractors X 36 states

<sup>9</sup> (5 skilled per contractor X 6 contractors per state x 36 states) + (all design & supervision team staff)

<sup>10</sup> 50 unskilled per contractor X 6 Contractors X 36 states

Project Phase	Activities	Type of workers	Skills Required	Number of workers	Location	Schedule	Support services
	<ul style="list-style-type: none"> <li>• Drainage construction and culverts</li> <li>• Construction of structures</li> <li>• creation of burrow pits</li> <li>• All Civil, electrical and plumbing works</li> <li>• Other ancillary works</li> </ul>		(including local workers)	3,240			Workers welfare Security
	<ul style="list-style-type: none"> <li>• Supply of materials</li> </ul>	Primary supply workers	Unskilled Labor	1,320	Project site		
	<ul style="list-style-type: none"> <li>• Monitoring and coordination</li> </ul>	Direct workers	Technical team	<b>Total = 17,520</b>	FPMU/ SPIUs		Office accommodation, salaries and workers welfare
Operation and Maintenance	<ul style="list-style-type: none"> <li>• Housekeeping based</li> <li>• Community maintenance</li> <li>• Waste management (collection and disposal)</li> <li>• Routine maintenance and replacement of wearing/faulty/damaged parts</li> </ul>	Community Based Maintenance Groups	Skilled Labor  Unskilled Labor	1,500 <sup>11</sup>  1,296 <sup>12</sup> <b>Total=2,796</b>	Project Communities	Road Lifespan	Maintenance tools and equipment

<sup>11</sup> According to the proposed RAAMP-SU Components the project will maintain about 1500km of roads. The estimate for maintenance workers is 1skilled worker per km of road.

<sup>12</sup> Applying the same estimate for community workers

## **2.5 Summary of labor Requirements for Each Phase**

Based on Table 2 above, which provides a breakdown of the various categories of workers for the different phases of the project, a summary of the estimated number of project workers in each of the project phases is presented below:

- xxxix. Preparatory phase has an estimate of 2,400 workers.
- xl. Preconstruction phase has an estimate of 4,992 workers.
- xli. Construction phase has an estimate of 17,520 workers.
- xlii. Operation and maintenance phase has an estimate of 2,796 workers.

It should be noted that some workers may be retained through more than one phase or all phases of the project. Actual numbers will be based on the allotted roads under each intervention type, for instance road upgrade works will require more workers than spot improvement works.

### **3.0 ASSESSMENT OF KEY POTENTIAL LABOUR RISKS AND MITIGATION**

This chapter outlines the potential labour risks and impacts associated with the RAAMP-SU. These potential risks are moderate for project workers due to the nature of activities which are expected to have limited impacts as they can largely be avoided, minimized or managed through procedures set out in this LMP. The main risks for project workers may arise during construction work where most of the labour are used. The LMP will be reviewed during project implementation and adequate measures and procedures to manage negative impacts will be indicated as required.

#### **3.1 Project Activities which could Pose Labour Risks**

The proposed project activities will include minor to major civil works during the rehabilitation of climate resilience rural roads linking to and from socio-economic community infrastructure, repair and strengthening of old bridges and culverts, slope stabilization, erosion protection improvements, surface repairs or resurfacing and other engineering solutions. Significant use of labour is mostly expected to arise during the civil works and project workers will be involved in a number of activities that include movement of equipment and materials to site. Creation of staging areas and base camps, removal of vegetation, road scarification, groundworks and excavation, rehabilitation works, drainage construction and culverts, construction of structures, creation of burrow pits, all electrical and plumbing works, other ancillary works and supply of materials.

These activities may pose occupational health and safety (OHS) risks, discrimination, poor welfare, security risks to workers, child labor, forced labor among others. Consultations (held at the federal and state levels, see annex 2 for summary of consultations, pictures and attendance sheets) and lessons learnt from the parent project revealed the following:

- non-compliance by some contractors in the provision and use of appropriate PPEs, especially for unskilled labor
- poor workers' accommodation in some contractor camps: unavailability of potable water, poor sanitation facilities, inadequate lightening, etc.
- high rate of workers turnover: some contractors hire and fire at will without adequate documentation
- inadequate women representation on the project: while the FPMU and SPIUs could be said to have adequate female staffing, only about 5% of contractors & design team were female. The broader project activities did not also promote adequate numbers of women as beneficiaries.

The SPIUs and FPMU engaged in continuous efforts to address the labor issues under the parent project. Table 3 below presents the expected labour risks and impacts for the RAAMP-SU and their mitigation measures.



### 3.2 Labor Risks and Impacts and Mitigation Measures

Table 3: Labor Risks and Impacts and Mitigation Measures

Risk Category	Labour Risks	Impacts	Mitigation
<b>Project Preparatory Phase</b>			
Non-discrimination and equal opportunity	<ul style="list-style-type: none"> <li>- Unfair and unclear deployment of government workers to work in the FPMU/SPIU (no contract, terms of reference, etc.)</li> <li>- Lack of competitive process of employment/ deployment</li> </ul>	Workers may become frustrated, lack focus or be redundant.	<ul style="list-style-type: none"> <li>- Government workers to be deployed to the FPMU/SPIU will have official letters of deployment, stating designation and reporting obligations</li> <li>- Condition of service with detailed job description will be outlined in the letter of engagement of all category of workers</li> <li>- The process of engagement will be through a competitive process to ensure adherence to the qualification's requirements in the Terms of Reference for the position.</li> </ul>
<b>Preconstruction/ Construction Phases</b>			
Non-discrimination and equal opportunity	Unfair and unclear recruitment/employment and selection practices	This could discriminate against women, vulnerable groups, ethnicity, religion, etc.	The FPMU/SPIUs and contractors will ensure that employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job description, promotion, termination of employment or retirement, or disciplinary practices.
	<ul style="list-style-type: none"> <li>- Unfair and unclear deployment of government workers to work in the FPMU/SPIU (no contract, terms of reference, etc.)</li> <li>- Lack of competitive process of employment/ deployment</li> </ul>	Workers may become frustrated, lack focus or be redundant.	<ul style="list-style-type: none"> <li>- Government workers to be deployed to the FPMU/SPIU will have official letters of deployment, stating designation and reporting obligations</li> <li>- Condition of service with detailed job description will be outlined in the letter of engagement of all category of workers</li> <li>- The process of engagement will be through a competitive process to ensure adherence to the qualifications requirements in the Terms of Reference for the position.</li> </ul>
	<ul style="list-style-type: none"> <li>- Payment of workers may be based on discrimination, e.g, male may be paid higher than women even on the same level of job schedule.</li> </ul>	<ul style="list-style-type: none"> <li>- Displeasure, strives and conflicts amongst workers.</li> <li>- Sabotage and under-performance by workers</li> </ul>	Protection of the interests of all workers, vulnerable groups, women including gender parity and equity at the workspace by the FPMU, SPIUs, contractors and primary suppliers

Risk Category	Labour Risks	Impacts	Mitigation
	- Foreign workers may be treated better than local workers in terms of living conditions, unequal pay, varying closing time, etc., even when they are on the same level of qualification and experience	- This could create bad reputation for the project	
Terms and Conditions of Employment	Project workers may not be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment/ deployment	Speculations, wrong expectations, grievances, refusal to work etc.	The FPMU, SPIUs and contractors will ensure fairness of employment terms and conditions against the applicable and prevailing National stipulations and requirements set out in this LMP. The contractors will also access the primary suppliers to ensure fairness of employment terms and conditions for the workers.
	Lack of unified rules and regulations for all workers  Adequate facilities may not be provided	- Workers may become frustrated, lack focus or be redundant - High staff turnover - Workers could be overlabored, fatigued & stressed - Grievances and sanctions against the project	- All information and documentation must be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur. - Government workers deployed to the FPMU/SPIUs will have clearly defined terms of reference, terms and conditions of employment, entitlements amongst others, and condition of service with detailed job description will be outlined in the letter of engagement of all category of workers - There should be workers Grievance Mechanism for all categories of projects workers to air their complaints and get resolutions
	Exploitative wages: wages may not be commensurate with the level of work/services performed	- Legal action against the project - Abuse of power and personnel	- Project workers will be paid on a regular basis as required by national law and labour management with a principle of "equal pay for equal work". - The amounts shall be in line with the National minimum wage for the different worker categories, and as will be set by the SPIUs in the case of unskilled workers
	Over-stretched working hours: undefined cut-off time, no break	- Under-compensation - Unfair dismissal procedures	All project workers will abide by the national adopted hours of work, which is eight hours, five days a week, be provided with adequate periods of one-hour rest per day and one day per week <sup>13</sup> , annual holiday and sick leave, as required by national law

<sup>13</sup> Labour Act section 13

Risk Category	Labour Risks	Impacts	Mitigation
	periods, denial of time for religious practices etc.	- Workers could be overworked, have grievances, high turnover, poor reputation for the project, workers fatigue & stress.	
Occupational Health and Safety	Unsafe and unhealthy work environment	This could result to injuries, incidents and accidents.	xliii. The contractors and all those involved in the project should conduct a risk and hazard analysis for the work under their control and ensure adequate training and mitigation measures are in place. xliv. Contractors will prepare specific OHS Plans and Campsite Management Plans for their workers xlv. The FPMU/SPIUs will ensure the workplace is safe and healthy and provide occupational health and safety training for their staff
	<ul style="list-style-type: none"> <li>- Poor work safety culture such as lack of provision of PPEs, absence of hazard analysis and HSE training</li> <li>- Inadequate work tools</li> <li>- Exposure to toxic waste</li> </ul>	Increased accidents during project execution	xlvi. Contractors to ensure workers have appropriate working conditions, sanitation facilities separate for male and female, basic amenities, appropriate signage in place, provision of adequate PPEs, first aid boxes, appropriate work tools, work permit etc. xlvii. Implement proper waste management plan including toxic waste management xlviii. Adequate monitoring of contractors' activities should be done by the supervision consultants, SPIU and FPMU respectively to ensure compliance.
	Sub-standard worker facilities and workers management	<ul style="list-style-type: none"> <li>- Spread of diseases and illnesses amongst workers</li> <li>- Sub-optimal work</li> </ul>	xlix. The SPIU and contractors must provide clean, safe and accessible toilets, drinking water, washing and eating facilities, and secure storage for personal items for all workers.

Risk Category	Labour Risks	Impacts	Mitigation
			<ol style="list-style-type: none"> <li>i. Facilities will comply with the World Bank International Finance Corporation (IFC) Workers Accommodation Guidelines<sup>14</sup></li> <li>ii. The FPMU/SPIU will ensure due consideration of ergonomics, good lightening, air flow, water and sanitation facilities separate for male and female in line with the World Health Organisation (WHO) Standards.</li> </ol>
	<ul style="list-style-type: none"> <li>- Accidents from movement of equipment and infrastructure and other project works</li> <li>- Road safety issues from transportation activities of goods from one location to another.</li> </ul>	<ul style="list-style-type: none"> <li>- Lost Time Injury (LTI),</li> <li>- Medical Treatment Case (MTC),</li> <li>- Permanent disability,</li> <li>- Fatality</li> </ul>	<ul style="list-style-type: none"> <li>- Only skilled and licensed drivers will be used under the project with continual training.</li> <li>- Project Managers, contractors and other involved groups to operate an Environmental, Social, Health and Safety System (ESHSS) that is consistent with good international industry practice while also conducting risk assessment and develop emergency preparedness and response plans for various work types.</li> <li>- Adequate Monitoring by the supervision consultants and the SPIU Safeguard teams to ensure compliance</li> </ul>
Security risk/threat to workers	Significant security risks in some parts of the country where the project will be implemented	Unsafe exposure to security threats from ambush, carjacking, kidnaping, banditry and terrorism especially migrant workers.	<ul style="list-style-type: none"> <li>- The SPIU will implement the RAAMP parent project Security Management Plan and get updated Security Risk Assessments from State Security Advisers.</li> <li>- Contractors will prepare security management plans</li> </ul>
Child Labour	Underage children (below the age of 18) could be exploited by contractors or primary suppliers or in other project related activities	<ul style="list-style-type: none"> <li>- Children could be exposed to dangerous situations causing injury, accidents and ill-health.</li> <li>- Deprive children of school attendance, which is against the law</li> <li>- Child abuse could ensue.</li> </ul>	<ul style="list-style-type: none"> <li>- Given the nature of the project where health and occupational risks are envisaged especially during civil works, the minimum age of eighteen (18) will be enforced at recruitment and continuously during project implementation.</li> <li>- The supervision consultant and SPIUs will monitor compliance.</li> <li>- The Contractors will ensure compliance of primary supply workers to this guideline by including this requirement in the tendering and contractual documents and monitor compliance</li> </ul>

<sup>14</sup> <https://www.ifc.org/en/insights-reports/2000/publications-gpn-workersaccommodation>

Risk Category	Labour Risks	Impacts	Mitigation
Forced Labour	<ul style="list-style-type: none"> <li>- People could be coerced and threatened to work.</li> <li>- Involuntary or compulsory Labour, such as indentured</li> <li>- Labour, bonded Labour, or similar Labour-contracting arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>- Reprisals</li> <li>- Exposure to injury and harm</li> <li>- Abuse of human rights and poor working conditions</li> <li>- Legal action against the project</li> <li>- Trauma/mental health conditions</li> </ul>	<ul style="list-style-type: none"> <li>lii. The Contractors and suppliers to ensure that no forced Labour exists in the project by gathering documents and appropriate proof</li> <li>- A consent section will be part of the employee's signed employment contract, for all workers</li> <li>- Contractors and primary suppliers will ensure that if Labour is sourced from any subcontracting agency, the workers are not subject to coercion and forced labor conditions</li> </ul>
Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV)	Workplace sexual harassment /sexual exploitation and abuse/gender-based violence.	<ul style="list-style-type: none"> <li>- Abuse of human rights</li> <li>- Injury and associated physical and mental health conditions.</li> <li>- Sexually transmitted diseases</li> <li>- Legal action against the project</li> </ul>	<p>The SPIU will ensure that:</p> <ul style="list-style-type: none"> <li>- The GBV action plan prepared for the parent project is updated and implemented</li> <li>- Provision of a reporting mechanism for all category of workers for such incidents including referral services</li> <li>- Communities are sensitized on GBV/SEA &amp; SH and the referral pathways</li> <li>- Training of contractors and workers on GBV SEA/SH</li> <li>- All project personnel should be sensitized on GBV/SEA &amp; SH</li> <li>- All category of workers in the project to be made aware of zero tolerance to Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV). Including the use of posters and signages</li> <li>- All contractor's workers including managers are to sign code of conduct forms</li> <li>- The contractors to put in place mechanism to prevent use the use of drugs by workers as it is a major trigger of GBV</li> <li>- Improve women participation in the project</li> </ul>
Grievance Mechanism (GM)	Lack of channel for grievance management and response for workers	<ul style="list-style-type: none"> <li>- Workers may be aggrieved due to unfair treatment,</li> <li>- Poor working conditions, conflicts, poor pay,</li> <li>- Overstretched working hours</li> <li>- Reprisals, refusal to work</li> </ul>	<ul style="list-style-type: none"> <li>- A Mechanism for resolution of grievance by workers has been integrated into section 7 of this LMP to expeditiously address concerns among workers. It employs a clear and transparent process, delivering timely feedback to individuals in a language they comprehend, with no fear of retaliation. The GM operates independently and objectively</li> <li>- The SPIU will review the effectiveness of the GM system periodically or when there is any significant change in the project.</li> </ul>

Risk Category	Labour Risks	Impacts	Mitigation
Right of Association and Collective Bargaining	<ul style="list-style-type: none"> <li>- Workers may not have the right to freely form, join or not join a trade union for the promotion and protection of the economic interest of that worker.</li> <li>- Workers may not be allowed the right to organize and collective bargaining, and representation</li> </ul>	<ul style="list-style-type: none"> <li>- Abuse of power by employers</li> <li>- Reprisals, legal action</li> </ul>	<ul style="list-style-type: none"> <li>- The contractors and SPIU to ensure that all workers are informed of their right of association and collective bargaining according to ESS2</li> <li>- Workers should also be informed of the workers grievance mechanism and their right to utilize the system.</li> </ul>
Contractor Management	<ul style="list-style-type: none"> <li>- Contractors on the project may not be adequately managed or monitored.</li> <li>- Non-compliance to provisions of this LMP and other national Labour requirements.</li> </ul>	<ul style="list-style-type: none"> <li>- Accidents/incidents, loss time injury to workers due to negligence in adhering to OHS concerns.</li> <li>- Unruly behaviour of contractors</li> <li>- Unfair treatment of workers, conflicts</li> <li>- Legal actions and bad reputation for the project.</li> </ul>	<ul style="list-style-type: none"> <li>- Contractors to prepare a Labour Management Plans as part of Contractor's ESMPs based on the provisions of this LMP and the details of labour to be used in those contracts. These plans will be reviewed and cleared by the supervision consultants and SPIUs, as appropriate.</li> <li>- Contractors to maintain records of: <ul style="list-style-type: none"> <li>• Workers engaged under the Project, including contracts must be kept.</li> <li>• Training attended by workers including Code of Conducts (CoC), Health Safety &amp; Environment (HSE), Sexually Transmitted Infections (STIs)/ Sexually Transmitted Diseases (STDs), GBV etc.</li> <li>• Accidents/ incidents and corresponding root cause analysis</li> <li>• Sanctions, punishments and terminations with reasons and follow-up actions taken.</li> </ul> </li> <li>- These records will be periodically reviewed by the SPIU, including consistent monitoring of Contractor's performance and compliance.</li> </ul>
Discipline and Termination of Employment	<ul style="list-style-type: none"> <li>- Disciplinary process may not be fairly or equitably</li> <li>- employed across board</li> <li>- Conditions for termination may not be clearly outlined in the terms of employment</li> </ul>	<ul style="list-style-type: none"> <li>- Grievances, reprisals etc.</li> <li>- Unfair dismissal from work</li> <li>- Abuse of power and human rights</li> <li>- Legal action against the project</li> </ul>	<ul style="list-style-type: none"> <li>- The SPIU should periodically review workers disciplinary and termination processes to ensure that they are executed fairly and without prejudice. Where unfair treatment is established, correction and corrective action should be implemented and monitored. Termination of appointment should abide by the following principles: <ul style="list-style-type: none"> <li>• Valid or reasonable;</li> <li>• Clear and unambiguous;</li> </ul> </li> </ul>

Risk Category	Labour Risks	Impacts	Mitigation
			<ul style="list-style-type: none"> <li>• The employee is aware, or could reasonably be aware of the rule or standard; and</li> <li>• The procedure to be applied in the event the employee contravenes any of these rules.</li> </ul>

### **3.3 Security Risk Management**

Given the notable security challenges in certain parts of the country, the project will undertake appropriate and proportionate security measures to minimize the potential risk to the workers, as detailed in the project and site-specific Security Management Plan (SMP) to be developed/updated by the SPIUs and contractors respectively. Key security measures will include:

- i. Temporary avoidance of high-risk areas until the area is adjudged safe by the state security advisers or law enforcement agents.
- ii. restrictions on work hours where security risks are higher (such as avoidance of nighttime work beyond 5 pm or as prescribed by the state/area security officers) including local workers.
- iii. measures to maintain low profile of the site and workers (such as the minimum use of sign boards and uniforms)
- iv. project workers making intercity/state travels to maintain a road travel time of 8 am to 4pm.

While security measures to be arranged in coordination with public security personnel to address external security risks (such as armed insurgency) will be determined by relevant security authorities engaged in each location and in line with the updated Security Risk Assessment for participating states obtained for State's Security Advisers the project will ensure internal security risks associated with the deployment of such security personnel on the community and guarding of project workers is in line with the WB Good Practice Note "Assessing and Managing the Risks and Impacts of the Use of Security Personnel" (such as the training of security officers on the principles of proportionality in the use of force).<sup>15</sup>

### **3.4 Labour Influx**

This project may face an influx of non-local labour as skilled workers might not be available in some of the project communities. Therefore, the SPIUs and contractors will take concrete measures to mitigate potential labour influx-related risks such as competition for community resources, workers' sexual relations with minors and resulting pregnancies, presence of sex workers, the spread of Human Immunodeficiency Virus (HIV)/ Acquired Immune Deficiency Disease (AIDS), sexual harassment, child labour and abuse, poor labour practice, and lack of road safety. These risks require careful consideration to improve the project's social and environmental sustainability, resilience and social cohesion. Mitigation measures which must be monitored by the supervision consultants and the SPIUs include establishing and enforcing a mandatory Code of Conduct for the contractors' managers and workers.

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<sup>15</sup> <https://documents1.worldbank.org/curated/en/692931540325377520/Environment-and-Social-Framework-ESF-Good-Practice-Note-on-Security-Personnel-English.pdf>



## 4.0 REVIEW OF LABOR LEGISLATION

Management of labour under the RAAMP-SU will be governed by the provisions of World Bank ESS2; Labour and working conditions, national and state laws, policies, systems, standards, and international good practice codes that govern labour and working conditions associated with projects such as the RAAMP-SU which will guide the project. Information on labor management practices at the national and sub-national levels was obtained following the guide provided in the data collection form in Annex 5. Such requirements are briefly presented in the following sections

### 4.1 Brief Overview of Labor Legislation: Terms and Conditions

a) **Labour Act, Chapter 198, Laws of the Federation of Nigeria (LFN) 2004:** The Act covers general provisions including:

- **Protection of Wages:** the wages of all project workers shall be made payable in legal tender or with prior consent of both parties in cheque and not otherwise. Wages shall become due and payable at the end of each period for which the contract is expressed (daily, weekly or at such other period as may be agreed upon), provided the period is not more than one month, the wages shall become due and payable at intervals not exceeding one month.
- **Contracts of Employment, Terms and Conditions of Employment:** no employer shall make any deduction or make any deductions from wages to be paid to project workers. An employer may, with the consent of a project worker, make deductions except with consent of the worker in terms of VAT, TAX, pension funds or other schemes as agreed by the worker and approved by the State Authority. Not later than three months after the beginning of a project worker's period of employment with an employer, the employer shall give to the worker a written statement specifying (a) the name of the employer or group of employers, and where appropriate, of the undertaking by which the worker is employed;
  - The name and address of the worker and the place and date of his engagement;
  - The nature of the employment;
  - If the contract is for a fixed term, the date when the contract expires
- liii. **Hours of work and overtime:** Normal hours of work in any undertaken according to the regulation shall be those fixed under a mutual agreement or collective bargaining within the organization. This shall also be in line with Federal Government regulations and as maybe stipulated by the programme management at the federal level. However, being a project environment, the normal working hours are proposed to be from 8am to 5pm with a one-hour interval break period.
- liv. **Benefits:** project workers shall be entitled to a minimum of 12 working days' leave with full payment of wages after twelve months of continuous service including sick leave.
- lv. Other areas covered by the act are:
  - Fair treatment and equal opportunities for project workers.
  - Employment of women
  - Labour health matters
  - Prohibition of forced labour
  - Labour complaints

b) **National Minimum Wage Act, 2010:** National minimum wage in Nigeria is determined by the Government. Government is empowered to set up "industrial wages boards" for specific sectors or geographical areas where it considers wages to be "unreasonably low" or where there

is no adequate collective bargaining machinery for the effective regulation of wages or other conditions of employment of those workers.

Generally, the wage rate is determined by the applicable collective agreement or the agreement between the worker and the employer.

Section 15 of the Labour Act states that “wages shall become due and payable at the end of each period for which the contract is expressed to subsist (daily, weekly or at such other period as may be agreed upon) provided that where the period is more than one month, the wages become due and payable at intervals not exceeding one month”.

The Act applies across the all sectors/employers, with the exception of an establishment in which workers are employed or paid on part-time and/or on a commission or piece-rate basis: this implies that such supply and transport workers are bound by their contractual agreements.

**c) Trade Unions (Amended) Act, 2005:** Relevant provisions include:

- Membership of a trade union by employees shall be voluntary and no employee shall be forced to join any trade union or be victimized for refusing to join or remain a member.
- For the purposes of collective bargaining all registered Unions in the employment of an employer shall constitute an electoral college to elect members who will represent them in negotiations with the employer.
- The right to strike is an integral part of the freedom of every citizen to associate with others particularly to form or join a trade union of his choice for the protection of his interests, which is entrenched in section 40 of the Constitution of the Federal Republic of Nigeria 1999.
- No person shall subject any other person to any kind of constraint or restriction of this personal freedom in the course of persuasion.

**d) National Industrial Court Act – 2006**

The NIC<sup>16</sup> is a specialized court in Nigeria whose overall mandate is to provide an effective and specialized judicial forum for the resolution of labor and industrial disputes in Nigeria. It has been put in place as an instrument of the state to ensure stability in the labour sector. The court serves as the umpire between the Labour unions and the Federal Government which is quite a vital role to play towards stabilization of the economy. Some provisions of the National Industrial Court Act include;

- The Act defines the jurisdiction of the National Industrial Court, specifying the types of cases it can hear. This typically includes disputes arising from the employer-employee relationship, industrial actions, trade disputes, and matters related to labor and employment laws.
- The NIC Act contains provisions related to the resolution of disputes through arbitration, mediation, or other alternative dispute resolution mechanisms. The court plays a role in settling labor-related disputes to ensure harmonious industrial relations.

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<sup>16</sup> National Industrial Court, Nigeria.> <https://nicn.gov.ng/officialGazette/act.pdf>

- The court has the authority to hear and determine cases related to labor and employment laws, including issues such as wrongful termination, industrial accidents, collective bargaining agreements, and other employment-related disputes.
- NIC may have the power to interpret labor laws and regulations, providing guidance on the application and interpretation of statutes related to industrial relations.

e) The National Gender Policy (2021)

Represents a set of minimum standards expected of the Nigerian Government to meet its mandate for gender equality good governance, accountability, and being socially responsive to the needs of its vulnerable group.

f) Child Rights Act (2003)

Guarantees the rights of all children in Nigeria, including the prohibition of child abuse, child labor, and child trafficking.

g) State Local Content Law, 2022

The State Local Content Law in some states is a law that provides mandatory inclusion of locally available manpower on all government contracts financed by the government. The law requires contractors working on projects in the State to source semi-skilled and unskilled labour from a pool of pre-qualified artisans and technicians available at the State Local Content Board in the bidding of contracts and other related matters.

#### 4.2 Brief Overview of Labor Legislation: Occupational Health And Safety

**a) National Policy on Occupational Safety and Health, revised 2020:** This policy was approved by the Federal Executive Council (FEC) in September 2020. While this has not been legislated, in this LMP it is captured as a guide for voluntary compliance and serves as a basis for OSH programs. Furthermore, it recognizes ISO 45001:2018 and captures policy provisions for implementing Occupational Safety and Health, and duties and roles of various groups including:

Statutory authorities, federal ministry of health, MDAs, employers, organizations, manufacturers, transporters, workers, HSE Committees, Nigeria Social Insurance Trust Fund, Standards Organization of Nigeria, Office of the Head of Civil Service, Mass Media, Academia, other stakeholders.

**b) The Occupational Safety and Health Act 2005:** This act states that every employer shall, so far as is reasonably practicable, ensure the safety, health, and welfare at work of all his employees. Other special provisions relevant to this LMP include:

- Prohibitions regarding young persons
- Duties of employer regarding Safety and Health Officers
- Risk assessment by employer and Record of risk assessments
- Exposure to serious and imminent danger
- Duties of Safety and Health officers, Establishment of Safety and Health Committees
- Health and welfare: Structure of building, Overcrowding, Ventilation and temperature, Lighting, Sanitary conveniences, Supply of drinking water, Washing facilities, Provisions for first-aid
- Safety (Machinery): Training and supervision, use of equipment and machinery

- Safety (general provision): Safe means of access and safe place of employment, Substances hazardous to health, Prevention of fire, Safety provisions in case of fire

lvi.

**c) Employees Compensation Act (2010):** The Act provides compensation to employees who suffer from occupational diseases or sustain injuries arising from accidents at the workplace or in the course of employment. Payment of compensation (to the worker or his dependents in case of death) by the employer is rooted in the accepted principle that the employer has a duty of care to protect the health, welfare and safety of workers at work. The Act also seeks to provide an – Employees' Compensation Fund (ECF) which will be managed in the interest of the employees and their employers. The ECA further makes provision for the rehabilitation of employees affected by work-related disabilities including mental illness. The ECA applies to employers and employees in the public and private sectors. The Act, however, exempts members of the Armed Forces who are not employed in a civilian capacity.

**d) Factories Act, 1990:** The Factories Decree 1990 is a landmark in legislation in occupational health in Nigeria. It provides a substantial revision of the colonial legislation, Factories Act 1958, in which the definition of a factory was changed from an enterprise with 10 or more workers to a premise with one or more workers thereby providing oversight for the numerous small-scale enterprises that engage most of the workforce in Nigeria. It stipulates the enforcement of compliance on factories, industries, and organizations that employ labour on the protection of the right of workers to a friendly environment, health, and safety including provisions for prevention and protection from hazards, safety training and supervision, notification, and investigation of accidents amongst others.

**e) Factories Act, Cap F1, LFN 2004:** The Act

- Provides a legal framework for the regulation of safety standards for the operation of factories in Nigeria; and
- Set out minimum standards for clean and conducive working environments.

#### **4.3 Institutional framework for labour and employment in Nigeria**

##### **a) Federal Ministry of Labour & Employment (FML&E)**

The Nigeria Ministry of Labor and Employment is the country 's designated authority for Labor-related matters. The ministry has the authority and capacity to ensure appropriate labor management in the country; as such, its institutional framework is adequate to accommodate and oversee the implementation of requirements under the World Bank 's ESS 2 Labor and Working Conditions. Table 4 provides an overview of the relevant department within the FML&E.

**Table 4: Summary of Relevant Departments within the Federal Ministry of Labour & Employment (FML&E)**

Department	Functions
The Inspectorate Department	The Department is charged with the responsibility of ensuring compliance with all national and international Labor legislations connected with terms and conditions of employment, promotion of health and safety, and sustenance of industrial peace and harmony. The department is also charged with the protection of children from child Labor especially in its worst forms
Social Security Department	The function of the Social Security Department within the ministry is to promote a coordinated and holistic approach to social security. The policy drafted by the National Working Committee was in line with International Labor Organization (ILO) Convention 102, to provide a framework for international best practices based on set minimum standards. The policy is expected to provide the poor, weak, and vulnerable equitable access to medical care, employment, maternity care, survivor 's benefits, etc. The department collaborates with relevant stakeholders to regulate a well-focused, coordinated and effective National Social Security System.
Employment and Wages Department	<p>The Department is charged with the responsibility of initiating and implementing the employment and wage policies of the Federal Government of Nigeria and has the following functions:</p> <ol style="list-style-type: none"> <li>1. Formulation and implementation of employment policies.</li> <li>2. Registration and placement of unemployed applicants through: <ul style="list-style-type: none"> <li>• Employment Exchanges</li> <li>• Professional and Executive Registries</li> <li>• National Electronic Labour Exchange</li> </ul> </li> <li>3. Coordination of Decent Work Country Program</li> <li>4. Wages administration through: <ul style="list-style-type: none"> <li>• Wages Monitoring</li> <li>• Processing of Collective Agreements</li> </ul> </li> <li>5. Issuance of Recruiter 's Licenses.</li> <li>6. Labour migration management.</li> <li>7. Initiating and implementing programs on active aging</li> </ol> <p>Oversight functions over National Directorate of Employment.</p>
Occupational Safety and Health Department	<p>The Department of Occupational Health and Safety is responsible for the enforcement of the Factories Act 1990, Cap 126 Law of the Federation of Nigeria. The department also oversees the implementation of several other subsidiary legislations, which provide for the safety, health, and welfare of workers in all workplaces nationwide. The enforcement of the Factories Act is done through:</p> <ul style="list-style-type: none"> <li>• Registration of new factory premises, renewal of certificate of registration, and amendment or revocation of certificate of registration.</li> <li>• Special Inspection of workplaces.</li> <li>• Investigation of accidents, dangerous occurrences, and occupational diseases.</li> <li>• Prosecution of recalcitrant occupiers.</li> <li>• Preparation of safety and health regulations, code of practice, guidelines, and standards for various operations, processes, and hazardous agents.</li> <li>• Provision of occupational safety and health education to workers and employers.</li> <li>• Recording and dissemination of information and statistics on all aspects of occupational safety and health through the national Occupational Safety Health Information Centres (CIC).</li> <li>• Provision of technical assistance and advisory services to workplaces on HIV and AIDS interventions.</li> </ul>

#### **b) Federal Ministry of Women Affairs**

The national agency for the promotion of gender issues in Nigeria is the Department of Women Affairs of the Federal Ministry of Women Affairs (FMWA), which was established in 1995. Each State in Nigeria has the State Ministry of Women Affairs. The role of the Ministry is to serve as the national vehicle to bring about the speedy and healthy development of Nigerian women, children, the socially disadvantaged and the persons with disabilities, and the mainstreaming of their rights and privileges in the national development process.

#### **4.4 International Labour Organization (ILO)**

The International Labour Organization has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security, and dignity. International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers, and workers) and set out 15 basic principles and rights at work. The standards provide a comprehensive system of instruments on work and social policy, backed by a supervisory system designed to address all sorts of problems in their application at the national level of member countries including Nigeria. Specifically, Nigeria is a signatory to the following agreements relevant to this project:

- Freedom of Association and Protection of the Right to Organise, 1948 (No. 87)
- Right to Organise and Collective Bargaining, 1949 (No. 98)
- Discrimination (Employment and Occupation), 1958 (No. 111)
- Equal Remuneration, 1951 (No. 100)
- Child Labour, 1999 (No. 182)
- Abolition of Forced Labour, 1957 (No. 105)
- Occupational Safety and Health, 1981 (No. 155).

#### **4.5 International Treaties Relevant to the Project**

- The International Covenant on Economic, Social and Cultural Rights (ICESCR) (2004)
- The International Covenant on Civil and Political Rights (ICCPR) (2004)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1993)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1984)
- The Convention on the Rights of the Child (CRC) (1990)
- The Convention on the Rights of Persons with Disabilities (CRPD) (2012)
- International Convention on the Elimination of All Forms of Racial Discrimination (1976)

#### **4.6 Regional Treaties Relevant to GBV**

- The African Charter on Human and Peoples Rights (ACHPR) (1982)
- The African Charter on the Rights and Welfare of the Child (ACRWC) (2007)
- The Protocol to the ACHPR on the Rights of Women in Africa (the –Maputo Protocol||) (2007)

#### **4.7 World Bank Environmental and Social Standards**

The World Bank has a number of environmental and social safeguards standards in place, which are aimed at preventing and mitigating undue harm to people and their environment in any development projects involving the Bank. The Bank's Environmental and Social Framework (ESF) includes ten standards, of which ESS 2: Labour and Working Conditions is of utmost important to this LMP.

##### **a) Environmental and Social Standards (ESS 2)**

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

- i. To promote safety and health at work;
- ii. To promote the fair treatment, non-discrimination and equal opportunity of project workers;
- iii. To protect project workers, including vulnerable workers such as women, widows, orphans and persons living with disabilities, children (of working age, in accordance with this ESS) and migrant workers contracted workers, community workers, and primary supply workers, as appropriate;
- iv. To prevent the use of all forms of forced Labour and Child Labour; and
- v. To provide project workers with accessible means to raise workplace related concerns, grievances etc.

##### **b) World Bank Environmental, Health and Safety Guidelines (EHS)**

The OHS measures will be designed to address the identification of potential hazards to project workers particularly those that may be life threatening; provision of preventive and protective measures via modification, substitution, or elimination of hazardous conditions; training of project workers; emergency prevention and preparedness and response arrangements to emergency situations; documentation, reporting and remedies of accidents and incidents.

These guidelines<sup>17</sup> are technical reference documents with general and industry-specific examples of good international industry practice. The EHS guidelines contain the performance levels and measures that are normally acceptable to the World Bank Group and that are generally considered to be achievable for infrastructural developments including road construction.

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<sup>17</sup> <https://www.ifc.org/content/dam/ifc/doc/2000/2007-general-ehs-guidelines-en.pdf>  
<https://www.ifc.org/en/insights-reports/2000/publications-gpn-workersaccommodation>

#### 4.8 Gaps between the National Labour Laws and the World Bank ESS 2

Table 5: Gaps between the National Labour Laws and the World Bank ESS 2

Areas	Nigeria Labour Legislation	ESS2: Labour & Working Conditions	Identified GAPS	Measures to Address Identified Gaps
<b>Minimum Age</b>	The law stipulated the age of sixteen years and above	Minimum age of fourteen years and above but under special condition; A child over the minimum age and under the age of 18 will not be employed or engaged in connection with the project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.	The disparity in age of engagement	Given the nature of the project whereby potential OHS risk are envisaged, the Nigeria Labour legislation works in this instance. However, the minimum age of 18 is most preferred. Birth certificate or Sworn Affidavit will be used for screening and confirmation of age.
<b>Forced Labour</b>	Any person who requires any other person, or permits any other person to be required, to perform forced labour contrary to section 34 (1) (c) of the Constitution of the Federal Republic of Nigeria 1999, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N1,000 or to imprisonment for a term not exceeding two years, or to both.	All work associated with this project shall be performed voluntarily without coercion or any form of threats. Forced labour in this context can be any form of indentured labour.	Both Condemn forced labour	There will be periodic Screening Checks by the Supervision consultants and SPIU on Monitoring for Forced Labour.
<b>Protection of wages</b>	Wages shall become due and payable at the end of each period which is daily or weekly.  No employer shall make any deduction or make any agreement or contract with a worker for any deduction	This stipulates the same as the National law	Both protect Worker wages.	Wages will be paid in tandem with national requirements and also as agreed by the SPIU safeguards team for unskilled labor  There will be an effective Grievance Redress Mechanism for



<b>Areas</b>	<b>Nigeria Labour Legislation</b>	<b>ESS2: Labour &amp; Working Conditions</b>	<b>Identified GAPS</b>	<b>Measures to Address Identified Gaps</b>
	from the wages to be paid by the employer			Complaint that may arise because of irregularities in wages payment by the contractor
<b>Non-discrimination and Equal Opportunity.</b>	There is no defined Labour management procedure to guide developmental projects	The standard recognizes that the project will make use of various categories of workers, direct and indirect workers such as contract staff and primary suppliers.	The ESS2 provides a unified approach while the National Labour legislation does not.	The project will implement the ESS2 and ensure that nondiscrimination and Gender Issues are implemented.
<b>Hours of Work</b>	Working hours shall be agreed mutually or by collective bargain	Stipulates the same as the National law	Both are similar	8/9 hours will be the recommended work hours per day. However, where workers have to conduct overtime, they will be duly compensated.  A Staff Register will be maintained in all work locations to capture worker time of resumption and departure  Every worker will observe an hour break/rest period daily  Workers will be allowed to observe key religious activities
<b>Institutional Cooperation regarding labour risk management</b>	Lack of synergy Ministry of Labour and Employment and other relevant ministries, which limits the efficiency and effectiveness of Labour risks on projects	Procedures for managing these Labour management risks and impacts are infused in ESS2	Lack of Unified Standard for the Nigerian Labour legislation.	The project will adopt improved consultations with relevant ministries seeking more collaboration throughout the duration of the project.
<b>Standard and Resources for OHS management</b>	Inadequate resources, capacity, standardized tools for effective implementation and monitoring of OHS standards	Adequate OHS Procedures are set out according to ESHS	There are no adequate resources and standards to implement OHS.	The project will implement the Provisions of ESS2.

<b>Areas</b>	<b>Nigeria Labour Legislation</b>	<b>ESS2: Labour &amp; Working Conditions</b>	<b>Identified GAPS</b>	<b>Measures to Address Identified Gaps</b>
<b>Gender Issues</b>	No provision in Labour Act that prohibits sexual harassment or any other kind of harassment as an employee. However, there is a subsisting National Act addressing sexual harassment.	The procedure forbids sexual harassment of any kind especially once the grievances have been reported	The Labour Act did not make provisions for Gender issues like sexual harassment, Sexual Exploitation and Abuse (SEA)	Gender-based principles as provided by ESS2 will be implemented in the project.
<b>Terms &amp; Conditions of Employment</b>	The country's labour law recognizes that employers must provide the employee with clear agreement terms within the engagement letter termed "Contract Agreement" whether written or verbal within the first 3 months.	Provisions of clear information and documentation are provided at the onset of working relationship	Both have documented evidence, but the procedures could differ.	Terms and conditions will be in line with the country laws in addition, specific measures documented in this LMP will also be adopted.
<b>Workers' Organization</b>	National legal framework is robust and implemented well in the formal sector, however, casual workers are not given the same benefits (such as compensation for injuries, right to belong to trade unions and bargain collectively, various social security benefit, unequal pay, forced Labour, absence of grievance redress mechanism).	This standard makes provisions for borrowers to promote sound worker management relationships and enhance the development benefits of a project by treating all category of workers in the project fairly and providing safe and healthy working conditions.	The National legal framework does not have adequate provision for Grievance Redress Mechanism (GRM), and no sufficient consideration for casual workers in terms of worker's organization.	The project will implement the ESS2 provisions in this regard.

## 5.0 ROLES AND RESPONSIBILITIES FOR MANAGING THE LMP

The project will be implemented by the SPIUs to operate and maintain the overall project activities in the participating states and coordinated by the FPMU under the Federal Ministry of Agriculture and Food Security (FMAFS). Both the FPMU and SPIUs are staffed with environmental and social safeguards officers and technical assistants amongst other staff.

The supervision consultant will be responsible for the daily implementation and supervision of the LMP, while the SPIU will have the overall responsibility to oversee all aspects of the implementation of this LMP including contractor's compliance, and will also address all LMP aspects as part of procurement for works/services and contractor induction/training through the Environmental, Social and the GBV team.

Contractors will be responsible for the engagement of their workers and training them in their various job descriptions and safe work procedures. Contractors will be expected to prepare OHS Plans and Campsite Management Plans for their workers. Table 6 below identifies the functions and/or individuals within the project responsible for the implementation of the LMP.

### 5.1 Roles and Responsibilities Matrix

**Table 6: Roles and Responsibilities for the Implementation of the LMP**

Functions	Responsibility	Monitoring	Specific Tasks
Engagement and management of project workers (direct workers)	FPMU/ SPIU	FMAFS/ RAAMP-SU host ministry in the states	<ul style="list-style-type: none"> <li>• Provide official letters of deployment, stating designation, benefits, and welfare</li> <li>• Provide training</li> </ul>
Engagement and management of contractors/ subcontractors	SPIU	FPMU	<ul style="list-style-type: none"> <li>• Provide conditions of service with detailed job description</li> <li>• Provide trainings</li> </ul>
Engagement and management of site workers and primary suppliers	Contractors	SPIU Supervision Consultants	<ul style="list-style-type: none"> <li>lvii. Provide conditions of service with detailed job description</li> <li>lviii. Conduct a risk and hazard analysis and ensure adequate training and mitigation measures are in place.</li> <li>lix. Ensure workers have appropriate working conditions, sanitation facilities separate for males and females, basic amenities, appropriate signage in place, provision of adequate PPEs, first aid boxes, appropriate work tools, work permit etc.</li> <li>lx. The contractual documents for suppliers require explicit Codes of Conduct to be signed by the contractors/ suppliers and made available to all workers to also sign.</li> </ul>

Functions	Responsibility	Monitoring	Specific Tasks
Occupational health and safety (OHS)	Contractors	Supervision consultants SPIU FPMU	<ul style="list-style-type: none"> <li>Prepare OHS plans and campsite management plans for workers.</li> <li>Ensure workers have appropriate working conditions, sanitation facilities separate for males and females, basic amenities, appropriate signage in place, provision of adequate PPEs, first aid boxes, appropriate work tools, work permit, etc.</li> </ul>
Training of workers	Contractors	Supervision consultants SPIU	Provide training on OHS, grievance channels, code of conduct, prevention of STIs/STDs
Addressing worker grievances	Contractors SPIU Trade Unions/Workers associations	Supervision consultants SPIU/FPMU	Ensure a mechanism for reporting and resolution of grievances by workers
Overall Implementation of the LMP	SPIU	FPMU Federal Ministry of Labour and Employment	Disseminate the LMP to all contractors and monitor the implementation

## 5.2 Capacity Assessment for Implementing the LMP

This section provides a summary of the capacity assessment and enhancement measures for the institutions/parties responsible for the implementation of this LMP. In general, while the FPMU has the required capacity to coordinate this LMP, the SPIUs and contractors have limited capacities to implement this LMP as presented in table 7 below along with suggested strengthening actions.

**Table 7: Capacity Assessment for Implementation of the LMP**

Aspect	Capacity Assessment	Strengthening Actions
Policies	The National Labour laws and legislation provide robust policies governing worker's management, safety, and wellbeing, however, there are no adequate provisions for freedom of association, grievance mechanism, gender-based violence, forced labour, etc. especially for casual workers.	The provisions of this LMP should be disseminated for adoption to all institutions relevant to the project including the ministries of labour, women's affairs and all categories of workers under the project.
		This should also be included in procurement contracts / other contracts by the SPIUs
Procedures	Most contractors do not have defined procedures for managing labour and working conditions, especially in the area	The provisions of this LMP should be disseminated by the SPIUs for adoption to all contractors

Aspect	Capacity Assessment	Strengthening Actions
	of maintaining a standard OHS/HSE procedure. There was recorded inefficiency in the provision of PPEs for casual workers by contractors in the sites assessed.	Adequate sensitization and enforcement of these procedures should be carried out by the SPIU at every level of implementation of the project, and especially before / and during the implementation of the project/works.
Roles	All the organizations have some form of HSE team/department, however, no proactive analysis of potential HSE risks beyond the procedures, and there is insufficient monitoring and reporting of HSE issues as part of the project operations.	Contractors to enhance the capacity of the HSE teams in terms of staffing, staff qualifications, and training. Ensure monitoring and effective reporting of all HSE risks
	Some contractors do not engage in health safety and environment officers, and/or not on a full-time basis	Contracts should entail the employment of HSE officers on a full-time basis
Responsibilities	The staff of the various institutions have a good understanding of their responsibilities in implementing and monitoring matters relating to labour and working conditions. However, there is some level of limited capacity in handling emerging themes like SEA/SH/GBV, and grievance mechanisms.	The SPIU to Implement capacity-building programs to strengthen responsibilities, especially with respect to ESS2 and the provisions of this LMP including with respect to SEA/SH/GBV and grievance mechanism.

## **6.0 POLICIES AND PROCEDURES FOR LABOUR MANAGEMENT IN THE PROJECT**

Labour Management in the RAAMP-SU will follow the specified guidelines of the World Bank ESS2: Labour and Working Conditions and National labor legislation as outlined in section 4 above.

### **6.1 Guiding Policies**

The guiding LMP policies for the proposed project include:

- lxi. There shall be non-discrimination and equal opportunity shall be provided for all workers.
- lxii. The terms and conditions of employment shall be outlined in clear and understandable terms, ensure fairness of employment terms and conditions against the applicable and prevailing National stipulations for all workers.
- lxiii. All Government workers deployed to work on the project shall be given official letters of deployment by their parent ministries.
- lxiv. There shall be provision of safe and healthy working conditions for all category of workers, void of worker exploitation, and provision of standard facilities.
- lxv. The contractors shall conduct job hazard and risk assessment and implement actions to address such risks, while also providing adequate work tools and personnel protective equipment to all workers.
- lxvi. Timely and adequate training on OHS/HSE shall be provided to all categories of workers.
- lxvii. There shall be no use of child labour (under 18 years) or forced labour.
- lxviii. Workplaces shall be free of Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV).
- lxix. Grievance redress mechanism for workers shall be instituted at all levels of engagement in consultation with the affected worker category.
- lxx. Workers shall have their right of association and collective bargaining.
- lxxi. There shall be proper documentation of contractor's/supplier's management in line with OHS requirements.
- lxxii. Termination of appointment shall be valid or reasonable, clear and unambiguous, without prejudice and the employee must be aware of the reason.
- lxxiii. There shall be continuous consultation with workers on the effectiveness and improvement of the Labour Management Procedures.

### **6.2 Procedures for LMP under RAAMP-SU**

#### **6.2.1 Non-Discrimination and Equal Opportunity**

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 employment, including recruitment, compensation, working conditions, terms of employment, access to training, promotion, or termination of employment. The following measures will be followed by the FPMU, SPIU and contractors and monitored by the respective Safeguard teams:

- lxxiv. Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- lxxv. Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- lxxvi. All workers will have written contracts describing the terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract;

- lxxvii. The employment terms and conditions will be communicated in a language that is understandable to both parties.
- lxxviii. 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.
- lxxix. Government workers deployed to work in the FPMU and SPIUs will be given official deployment letters from their parent ministries which will state the designation at the PMU, reporting obligations, commencement date and end date (where possible), entitlements amongst others.
- lxxx. The FPMU and SPIUs will strive to attain a 50% men and women ratio in their staffing. The supervision consultants will strive to achieve a 30% female workforce. Due to the physical nature of civil works, the contractors will strive to achieve a 20% female workforce (however, the roles will be such that will not require strain or physical exertion which will cause injury or inflict harm). The SPIUs will strive to attain a 30% women participation in the community-based maintenance groups to be established in the road corridors and provide the appropriate training and working tools
- lxxxi. The SPIU, FPMU, and contractors will ensure the protection and promotion of persons with disabilities in all its activities thereby engaging them and giving them a sense of belonging.

### **6.2.2 Age of Employment and Child Labour**

Due to the nature of RAAMP, whereby occupational health and safety risks are envisaged especially during civil works and other implementation activities, the project will only engage individuals at the minimum age of eighteen (18) and this will be enforced at recruitment and monitored by the SPIU, Supervision Consultants and Contractors.

Contractors will verify the identity and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, medical or school records. However, where this is not available, especially for unskilled workers, the community leaders will attest and sign an affidavit on behalf of such individuals.

If a child under the minimum age of eighteen (18) is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, considering the best interest of the child. Such a contractor will be issued a documented query and sanction by the SPIU in line with the terms and conditions in the contract document for non-compliance.

### **6.2.3 Terms and Conditions of Employment**

- All workers will be provided with clearly defined terms and conditions of employment.
- Terms and conditions of direct workers will be determined by their individual contracts and public service rules (for government staff) and are guided by terms and conditions stipulated in the Public Service Rules (2008 edition).<sup>18</sup>
- Consultants will apply the terms and conditions stipulated in their contract of engagement.
- The conditions of employment will set out workers' rights under national labor and employment law (which will include any applicable collective agreements), including job

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<sup>18</sup> <https://interior.gov.ng/media/1054/publicservicerules.pdf>.

title, supervisor, their rights related to hours of work, wages, overtime, compensation and benefits, contract duration, disciplinary procedures, rules & regulations, procedure for termination of appointment, as well as those arising from the requirements of this LMP. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.

- Oral communication and explanation of working conditions and terms of employment will be provided where project workers do not read or have difficulties understanding the documentation.
- Project workers will be paid on a regular basis as required by national law and in the conditions of employment. Deductions from payment of wages will only be made as allowed by national law or the labour management procedures, and project workers will be informed of the conditions under which such deductions will be made.

#### **6.2.4 Working Conditions**

- Project workers will be provided with facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate areas for rest.
- 8 hours will be the recommended work hours per day, and 40 hours per week of 5 working days from Monday to Friday<sup>19</sup>. However, where workers have to work overtime, they will be duly compensated. Every worker is entitled for an hour break/rest period daily, and will also be allowed their period of worship depending on their religion/faith.
- Where workers' camps are provided to project workers, policies will be put in place and implemented on the management and quality of accommodation to protect and promote the health, safety, and well-being of the project workers, and to provide access to or provision of services that accommodate their physical, social and cultural needs. This will be in line with the World Bank Group Environmental, Health, and Safety Guidelines
- The contractors will ensure accessibility of facilities, resources and information communication for project workers with disabilities including the provision of wheelchair ramps or elevators, alternative formats of communication, such as large print, Braille, accessible digital formats or audio tape where applicable. This will be monitored by the supervision consultants and the SPIU.
- Provide protection and assistance for pregnant women against prejudice, physical harm, and unfair dismissal and allow for adequate maternity leave in line with applicable laws.
- Ensure workplace ergonomics including:
  - Adequate lighting to avoid eyestrain including protective screens on computers.
  - position the computer workstation at a parallel position to the eyes
  - Use of supportive chairs for good lumbar support
  - Good housekeeping practices
  - Proper layout of electrical wires and appliances
  - Deployment of fire extinguishers
  - Provision of separate sexes toilets

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<sup>19</sup> Some work schedules for unskilled workers may require workers to work up to 9 hours daily (from 8am – 9pm) or also work on Saturdays. This should be clearly stated and communicated to the workers upon engagement.



### **6.2.5 Occupational Health and Safety**

The SPIUs will ensure the preparation of site-specific OHS plans as part of the ESMPs to be prepared for sub-projects, this will be in line with the ESMF been updated for the RAAMP-SU which will contain a detailed OHS framework. The contractors will implement the following procedures:

- Conduct hazard and risk assessment for all job types/activities and prepare OHS Plans as part of their Contractors ESMP (C-ESMP)
- Provide preventive and protective measures for such risks, including modification, substitution, or elimination of hazardous conditions or substances.
- Provide adequate work tools, first aid boxes, and appropriate personnel protective equipment (PPEs) and implement job controls such as work permits and standard operating procedures (SOPs).
- Provide HSE/OHS training for workers and maintain records of such training. See the sample training plan in Annex 4.
- Ensure the inclusion of Occupational health issues in contract documents to make them obligatory/mandatory.
- Prepare emergency prevention and preparedness and response plan, assign responsibilities, train responsible parties, and test and improve on such plans.
- Establish an Environmental, Social, Health, and Safety System (ESHSS) and ensure training for associated workers in line with the required national labour requirements, World Bank ESS2 requirements, and procedures set out in this LMP.
- Include women representatives on the OHS team to help design policies and practices responding to the needs of female project workers.
- Provide a mechanism for consultation and participation of workers in OHS matters and implementation of OHS measures.
- Provide workers in high-noise areas with earplugs or earmuffs.
- Project workers have the right to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation that they have reasonable justification to believe presents an imminent and serious danger to their life or health.
- Sign Memorandum of Understanding with a dedicated hospital accessible to workers for use in the case of any emergency.
- Ensure that when workers have injuries as a result of the project, they are well taken care of and taken to the hospital for proper treatment. Ensure that contractors under the project subscribe to the Employer compensation fund and will show such proof. Furthermore, the employer shall adhere to the provisions of the Employee Compensation Act (2010) act as stipulated in Part VII (sections 56-58).

### **6.2.6 Use of Labour**

lxxxii. The contractors will not make use of any work or service which is exerted from an individual under threat, force, penalty, coercion, abduction, fraud, or deception. The RAAMP-SU will not entertain any kind of involuntary or compulsory labour, such as indentured labour, bonded labour, or similar labour-contracting arrangements. No trafficked persons will be employed in connection with the project.

lxxxiii. Workers will be allowed free and informed consent of the type of job they are being engaged to perform.

Where forced labour is discovered in the project's workforce, prompt action will be taken to address the practice that has coerced the worker and reported to the responsible authorities such as the SPIU, State Ministry of Labor, etc. as appropriate to be addressed in accordance with national law, and such a contractor will be issued a documented query and sanction by the SPIU in line with the terms and conditions in the contract document for non-compliance.

#### **6.2.7 Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV)**

- All categories of workers in the project will be made aware of zero tolerance in matters relating to SEA/SH/GBV.
- All contractors will sign codes of conduct forms as provided in Annex 3.
- The contractors/supervision consultant/SPIU will establish and inform workers of a reporting mechanism for such incidents including referral services.
- Implement the GBV action plan, Accountability & Response Framework prepared for the project, including the assessment of primary supply workers.
- Address gender issues through improved women's participation in the project.

#### **6.2.8 Grievance Mechanism (GM)**

A grievance mechanism will be provided for all categories of workers (and, where relevant, their organizations) to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for their use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers. The GM will be in line with the procedures set out in chapter 7 of this LMP.

#### **6.2.9 Right of Association and Collective Bargaining**

- Workers will be allowed the right to form and to join workers' organizations of their choosing and to bargain collectively without interference.
- Workers will also be provided the information needed for meaningful negotiation in a timely manner.
- The contractors will not discriminate or retaliate against project workers who participate or seek to participate, in such workers' organizations and collective bargaining.
- Government workers at the FPMU and SPIUs will be allowed association with recognized labor unions without any form of retaliation or discrimination.

#### **6.2.10 Contractor Management**

The SPIUs supported by the supervision consultants will:

- Ensure that contracted workers (contractors, subcontractors, brokers, agents, or intermediaries) are legitimate and reliable entities, having documentation of their business licenses, registrations, permits and approvals. Should have safety and health personnel, review their qualifications and certifications.
- Have records of safety and health violations, and responses, accident and fatality records, and notifications to authorities.

- Ensure to have records of legally required worker benefits and proof of workers' enrolment in relevant programs, worker payroll records, including hours worked and pay received.
- Ensure contractors prepare Labour Management Plans as part of their C-ESMPs based on the provisions of this LMP and the details of labour to be used in those contracts. These plans will be reviewed and cleared by the PMU, as appropriate.
- Ensure that contracted workers have access to a grievance mechanism as provided in the LMP.

#### **6.2.11 Primary Supply Workers**

- The contractors will review industry labour issues relating to the supply of goods and materials that will be required under the RAAMP-SU, and the risks and implement actions to mitigate such risks.
- The Contractors will ensure that all primary supply workers comply with the required environmental and social management standards. The assessment shall be embedded in the tendering, hiring, and contracting processes, and any due diligence measures required in the sourcing of suppliers for the project activities. The SPIU shall monitor this process.
- The contractors shall ensure that as part of tendering and contractual documents for the primary suppliers, it is clearly stated that there shall be non-discrimination and equal opportunity in their recruitment processes.
- The Contractors will ensure the contractual documents for suppliers contain minimum requirements that mandate that the terms and conditions of employment of workers are clearly defined for all categories of workers.
- The Contractors will ensure the contractual documents for suppliers contain Codes of Conduct to be signed by the suppliers which will specify the minimum age of employment as 18, zero tolerance for child labor, prohibit forced labor, and zero tolerance in matters relating to SEA/SH/GBV. Where there is a significant risk of child labour, forced labour, and serious safety issues related to primary supply workers, the contractor will require the relevant primary supplier to introduce procedures and mitigation measures to address such issues. Such procedures and mitigation measures will be reviewed periodically by the SPIU to ascertain their effectiveness.
- The Contractors will ensure the contractual documents for suppliers mandate the suppliers to prepare and implement an occupational health and safety plan for their workers. In addition, the contractors will conduct due diligence to verify compliance.
- The contractor will also track suppliers' performance to help inform whether procedures and mitigation measures are being appropriately implemented and provide feedback on performance and any new areas of risk.

#### **6.2.12 Discipline and Termination of Employment**

Disciplinary actions, termination, and hiring of workers will be adequately documented, including the reasons for termination of appointments. Such offenses that may lead to termination should be duly spelled out in the terms and conditions of the employment/contract letter.

Project workers will receive written notice of termination of employment and details of severance payments in a timely manner: one month for skilled labour, and one week for unskilled

labour. However, in cases of gross misconduct, termination can be immediate but must be accompanied by a proper incident report, fair, without prejudice, and ensure adequate documentation. This process will be monitored by the supervision consultants and the SPIU.

### **6.2.13 Security Management**

Project workers will comply with the RAAMP security management plan prepared by each state and liaise continuously with the Security Adviser in the state. The ESMF for the RAAMP-SU contains a detailed security risk assessment and management strategies which will be domesticated in the site-specific ESMPs to be prepared under the project. To a minimum, the following security procedures would be applied by the RAAMP-SU;

- Each participating state to ensure timely engagement of the project security adviser to support the project.
- Domesticate the RAAMP security management plan (SMP).
- Conduct security awareness training for the project workers including the FPMU, SPIU, and contractor workers on prevention and response plans in line with the SMP
- The project security adviser is to hold quarterly security briefings with the SPIU and contractor workers
- For high-risk areas in the state, such places should be avoided until the situation is adjudged to be safe by the project security adviser
- Contact number of key personnel of security infrastructure in the state and Local Government Area respectively should be made available to all contractors/consultants and project personnel.
- The contact number of whom to contact in the event of any incident should also be provided to project workers.

## **7.0 GRIEVANCE MECHANISM FOR WORKERS**

This procedure requires every employer, including contractors, to have a formal grievance management procedure which should be known and explained to the employee. The FPMU/SPIU staff and consultants will be informed of the applicable grievance procedure to adopt in their contracts or terms of employment. All the contractors who will be engaged by the project will be required to establish a grievance procedure in line with the GM provided in this LMP as a requirement for tender. All grievance mechanisms should at a minimum comply with these requirements:

- Who the employee should report to;
- The time frame for addressing grievances at each level should be specified;
- Opportunity to report to a higher-level authority if grievance is not resolved at within the stipulated time;
- Right to seek judicial redress

The grievance process should be guided by the following principles:

- Transparency
- Non-vindictiveness
- Confidentiality
- Right to representation
- Accessibility

- Proper documentation
- Non-retribution

It is important to note that the GM for workers is not the same as the project-wide GM defined in the ESMF for the RAAMP-SU. The former sets out specific procedures for worker’s management (labour and working conditions), while the latter sets out procedures for reporting issues related to the overall implementation of the project.

## 7.1 Establishing a Grievance Mechanism

A Grievance Mechanism (GM) will be established to ensure that all complaints from workers are dealt with appropriately, with corrective actions implemented, and the complainant informed of the outcome.

The project recognizes that various categories of workers may be deployed to work on the project and as such an appropriate GM for each category will be beneficial. This is described in line with the required grievance redress committees (GRC) as presented in Table 8 below. This procedure will guide the preparation of site-specific GM to be prepared as part of the Environmental and Social Management Plans (ESMPs) by contractors.

### 7.1.1 Direct workers’ GM structure

As stated earlier, direct workers will mainly be government employees in the project's FPMU and SPIUs. The GM structure for direct workers will have three levels as presented in Table 8 below:

**Table 8: Grievance Redress Procedures for SPIU/FPMU Workers**

First Level GM	The GRC will be formed at the SPIU/FPMU levels and be easily accessible to project workers. The committee will comprise of Social Safeguard Officer, National/ State Project Coordinator, Environmental Safeguards Officer, and Communication Officer at the FPMU/SPIUs. The complainant shall make an official complaint to the GRC through the social safeguard officer or other channels of receipt such as complaint boxes, dedicated phone lines, email, or anonymous complaints. Complaints shall be duly received, registered and reviewed by the committee. If a complaint is addressed satisfactorily to the complainant, the complaint is closed. If the complainant does not accept the solution offered by the first level GRC, then the complaint is referred to the 2 <sup>nd</sup> level GRC.
Second Level of GM: GRC at the institutional level	The GRC will be more of an institutional level. This committee shall be at the State/FPMU Project Steering Committee level. Only grievances that are not resolved by the first-level GM will be referred to the second-level GM. Complaints shall be duly received, registered, and reviewed by the committee. If a complaint is addressed satisfactorily to the complainant, the complaint is closed. If the complainant does not accept the solution offered by the second level GRC, then the complainant has the right to move to a higher-level mechanism.
Higher Level GM	The purpose of the GM put in place for workers is to resolve all issues of labour and working conditions, however, where a resolution cannot be reached, complainants may choose to approach their respective parent ministry, civil service commission, or as may be guided by the Public Service Rules.  The State/National Project Coordinator should ensure adequate documentation of the case and all attempts made to resolve the issue is provided to the World Bank Task Team Leader.

### 7.1.2 Contracted workers' GM structure

Contractors shall develop their own GM and are required to resolve the grievances of contracted workers in accordance with requirements in this LMP as well as the ESS2. Grievance Focal Persons (GFP) will be assigned by the Contractor to file the grievances and appeals of contracted workers and will be responsible for facilitating addressing the grievances. If the issue cannot be resolved at the contractor's level within 3 working days, then it can be taken up at the SPIU level whereby the Social Safeguards Officer will be engaged to coordinate the GM procedure. This process is described in Table 9 below.

**Table 9: Grievance Redress Procedures for Contractor Workers**

First Level GM	<p>The GRC will be formed at the project site and be easily accessible to project workers. The contractor shall appoint a Grievance Focal Person (GFP), usually the social officer on the contractors' team, who shall be the secretary of the committee. The committee shall comprise of the supervision consultant site engineer and social specialist, community liaison officer, and other identified persons by the SPIU Social Safeguard Officer. The complainant shall make an official complaint to the GRC through the social officer or other channels such as compliant boxes, dedicated phone lines, emails or may choose to file anonymous complaints, etc. Complaints shall be duly received, registered, and reviewed by the committee. This GM will be periodically reviewed by the SPIU for effectiveness and will be revised, when necessary. If the complaint is addressed satisfactorily to the complainant, the complaint is closed. If the complainant does not accept the solution offered by the first level GRC, then the complaint is referred to the 2<sup>nd</sup> level GRC.</p> <p>However, for GBV-related cases, the survivor will be linked to the GBV-specific GRM as stated in section 7.7 of this report</p>
Second Level of GM: GRC at the institutional level	<p>The GRC will be at the SPIU level and comprise of the Social Safeguard Officer, State Project Coordinator, Environmental Safeguards Officer, Communication Officer, and Infrastructure Engineer at the SPIUs. Complaints shall be duly received, registered, and addressed by the committee. If the complainant does not accept the solution offered by the second level GRC, then the complainant has the right to move to a higher-level mechanism.</p>
Higher Level GRM	<p>Complainants may choose to approach their respective labor associations, trade unions, or the ministry in charge of labor in the state. However, the State Project Coordinator should ensure adequate documentation of the case and all attempts made to resolve the issue are provided to the FPMU and the World Bank Task Team Leader.</p>

## 7.2 Grievance Uptake Channels

The channels through which complaints may be lodged include the following:

### 7.2.1 Complaint boxes

The SPIU will provide complaint boxes at the project sites for the general project-wide GM, which can also be utilized by project workers. The SPIU should ensure that the workers are informed of their rights to use the complaint boxes. This should be checked regularly (at least twice weekly) as designated by the SPIU. Worker-related grievances found in the boxes should be channeled to the first level workers' GRC to be processed.

### **7.2.2 Grievance Redress Committees (GRCs)**

Workers may choose to report their grievances directly to the project level GRC at the project site. Complaints can be made directly to the Grievance Focal Person (GFP) or any other member of the GRC, in which case the receiving officer should forward the complaint to the GFP for adequate documentation and processing. The Contractor and supervision consultant should ensure that all workers are duly informed of the GRC and the members of the committee.

### **7.2.3 Phone number and Email**

The SPIU will provide dedicated toll-free grievance phone numbers which will be inscribed on the complaint boxes and at the project site. The line should be manned by the social safeguard officer at the SPIU. An email should also be set up by the SPIU to receive feedback and complaints about the project. The email can be manned by the social safeguard officer or the communication officer at the SPIU. Grievances received should be channeled appropriately to the first level GRC or the second level GRC as appropriate to be documented and addressed.

### **7.3 Roles of the GRCs**

The Grievance Redress Committees will be responsible for:

- Communicating with the affected worker and evaluating if they are entitled to recompense;
- Making the established grievance redress procedure public
- Escalating unresolved matters to the next level of GRC
- Maintain proper documentation of complaints, proceedings, and resolutions.

### **7.4 Expectation When Grievances Arise**

When workers present a grievance, any of the following is or are expected from the project management/channel of grievance resolution:

- acknowledgment of their problem;
- an honest response to questions/issues brought forward;
- an apology, adequate compensation; and
- modification of the conduct that caused the grievance and some other fair remedies.

### **7.5 Typical Grievance Redress Process**

The process of grievance redress will start with registration of the grievance(s) to be addressed, for reference purposes and to enable progress updates of the cases. Thus, the aggrieved worker will file a complaint/ complete a grievance form with the Grievance Redress Committee.

The complaint should contain a record of the person responsible for an individual complaint and records dates for the date the complaint was reported; the date the Grievance Log was uploaded onto the project database; date information on proposed corrective action sent to the complainant (if appropriate), the date the complaint was closed out and the date response was sent to complainant.

The officer receiving the complaint (part of the GRC member) will ensure that each complaint has an individual reference number and is appropriately tracked, and recorded actions are completed. The response time will depend on the issue to be addressed but it should be addressed with efficiency. The Grievance Committee will act on it within 3 working days of receipt of grievances. If no amicable solution is reached, or the affected person does not receive a response

within the 3 working days, the affected person can appeal to the next level GRC. The process is depicted in figure 1 below.

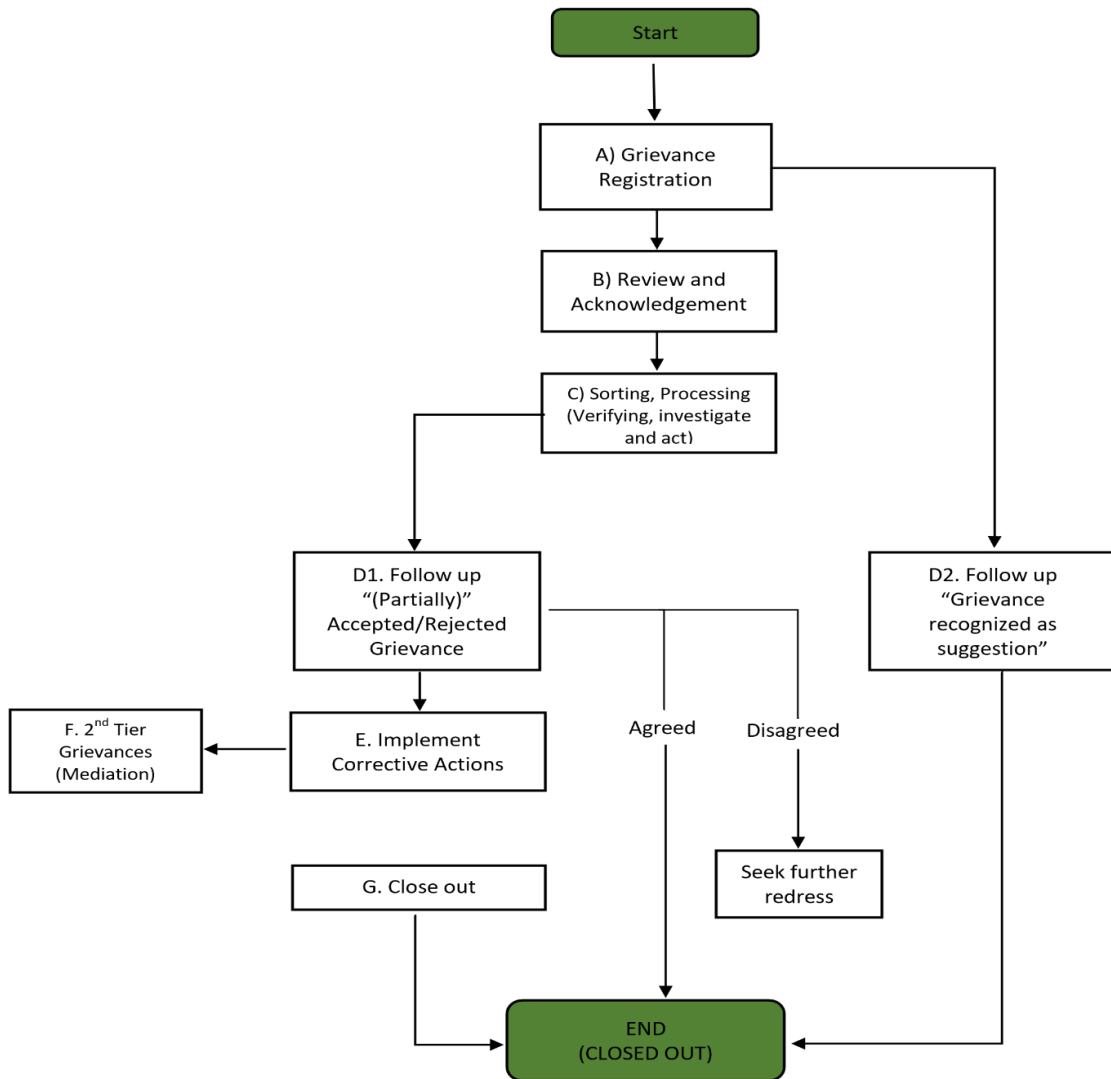


Figure 1: Grievance Redress Process

## 7.6 How to Register a Complaint

There shall be a variety of channels to submit complaints as provided in section 7.2 above.

- a. The GRC will acknowledge the receipt of complaints through the secretary of the GRC.
- b. Received complaints should be registered in a grievance logbook.
- c. The GRC will inform the complainant about the timeframe in which a response can be expected.
- d. The GRC will investigate the grievance, consult with the aggrieved worker, and resolve the issue.



## **7.7 Grievances related to Gender-Based Violence**

### **Manifestations of GBV**

To understand if an act of violence is an act/manifestation of GBV, one must consider whether the act reflects and/or reinforces unequal power relations between males and females. Forms of GBV may include the following:

- Physical Violence (such as slapping, kicking, hitting, or use of weapons);
- Emotional abuse (such as systematic humiliation, controlling behaviour, degrading treatment, insults, and threats);
- Sexual violence, which includes any form of non-consensual sexual contact, including rape;
- Economic abuse and the denial of resources, services, and opportunities (such as restricting access to financial, health, educational, or other resources with the purpose of controlling or subjugating a person);
- Trafficking and abduction for exploitation.

The project is expected to comply with the provisions regarding SEA/SH/GBV in the ESMF, and the GBV action plan that have been developed for the project.

### **Addressing GBV Related Grievances**

To avoid the risk of stigmatization, exacerbation of mental or psychological harm and potential reprisal, the GM shall have a different and sensitive approach to GBV-related cases. Where such a case is reported to the GM, it should immediately be referred to the GBV Intermediary service provider, who will link the survivor with the appropriate service provider such as medical and psychological support, or any other necessary services. The SPIU and contractors should ensure that workers are sensitized on the pathway for channeling GBV-related cases and provided with the contact details of the GBV Intermediary Service Provider.

A detailed description of how the project will address GBV and SEA is included in the Environmental and Social Management Framework (ESMF).

## **8.0 CONTRACTOR MANAGEMENT**

Selection of consultant / contractors shall be made according to the World Bank procurement procedures as provided in the World Bank Standard Procurement Documents and Nigerian laws. The SPIUs/FPMU after receiving bids from the contractors shall ensure that the contractors are legitimate and have permits according to the Nigeria law, and the necessary professional bodies. Provisions in this LMP forms an integral part of the bidding documents to be issued to consultant/contractors and shall form part of the awarded contracts to all consultants/contractors under the RAAMP-SU.

In addition, proper training and orientation shall be provided to the contractors, to ensure full understanding and compliance with the LMP. The project will maintain numerous stakeholders such as contractors, and other third-party suppliers, it is advisable to inform the contractors and other third suppliers about their commitment and obligation to ensuring worker welfare and safety which must be included in the contractual agreement.

### **8.1 Monitoring**

The supervision consultants and the SPIU, through the Environmental and Social Safeguard staff, will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labor management procedures. This may include periodic audits, inspections, and/or spot checks of project locations and work sites as well as of labor management records and reports compiled by any contractors. Labor management records and reports that may be reviewed would include: representative samples of employment contracts or arrangements between third parties and contracted workers, records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to incidents of non-compliance with national law, and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

### **8.2 Verification, Monitoring Mechanism and Reporting**

The project will institute several layers of monitoring systems as part of Labour Management Procedure. These will include the following:

- Worker 's grievance register
- Nominal roll and class of employment
- Workers' benefits in relation to contracts between contractors and workers

### **8.3 Human Resources Employee Database**

The contractor will maintain a database of all workers employed under the project at any given time, the database will record information on the personal details of employees (such as home address, next of kin/emergency contact); their job description, role and responsibilities, training records and training needs, etc.

### **8.4 Contractor Database**

The SPIU will maintain a comprehensive database of all primary and secondary contractors for the Project. The database will record a summary of their scope of work, business origins, and a brief profile about history of compliance to environmental and social standards.

## **8.5 Supply Chain Database**

The contractor will maintain a database of all primary suppliers. This will contain information on the key suppliers which will be used to monitor the primary supply chain and record results of risk assessments for incidents of child and/or forced labour and significant environmental safety issues. The contractor will document compliance information about primary supply workers to environmental and social standards in line with the provisions of section 6.2.11 in this LMP.

## REFERENCES

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  - xcii. National Gender Policy, 2021
  - xciii. National Industrial Court Act – 2006
  - xciv. National Minimum Wage Act 2010
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    - ci. Trade Union (Amended) Act, 2005
    - cii. United Nations. (1948). Universal Declaration of Human Rights.
    - ciii. Worker’s Compensation Act (2010), Nigeria
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    - cvi. World Bank Group Environmental, Health, and Safety General Guidelines

## **ANNEX 1: Terms of Reference for the Preparation of a Labour Management Procedure (LMP) of the Nigeria Rural Access and Agricultural Marketing Scale-Up Project (RAAMP-SU)**

### **1. BACKGROUND AND CONTEXT**

The Federal Government of Nigeria (FGN) has requested the Bank to increase the number of RAAMP participating states from 19 to 36 States, which will be the RAAMP Scale-Up. The project development objective of RAAMP Scale-Up (RAAMP-SU) is to improve rural access and agricultural marketing in selected participating states whilst enhancing sustainability of the rural and state road networks. The project will be guided by the Government's Rural Travel and Transport Policy (RTTP). The lead agency for the Federal Government is the Federal Department of Rural Development (FDRD) of the Federal Ministry of Agriculture and Rural Development (FMARD). The Federal Project Management Unit (FPMU) is overseeing the project on behalf of FDRD, while the respective state governments of the 36 States will implement it through the State Project Management Units (SPIUs).

The RAAMP-SU will focus on connecting rural communities to: local agricultural markets such as roadside agro-logistics hubs; social amenities such as schools and hospitals; introduce green rural transport; as well as promote social cohesion at the rural level. The RAAMP-SU will provide fund to complete planned activities under RAAMP in participating States which could not be implemented due to inflation and currency fluctuation. In addition, the RAAMP-SU will fund other States that meet the criteria to join the project. The scale-up would emphasise institutional strengthening such as operationalising the Rural Access Road Agency (RARA), State Road Fund (SRF), Road Asset Management System, Green rural transport Strategy, Road Safety Management, digitalized outcome monitoring, skill development for management of rural roads as well as gender-targeted opportunities. State roads that close the connectivity loop will also be included on the Scale-up project.

### **2. PROJECT COMPONENTS**

**Component A: Improvement of Resilient Rural Access:** The aim of this component is to ensure year-round rural access to socio-economic services, agriculture markets and job opportunities through the rehabilitation/upgrading of selected rural roads and their resilience to climate change impacts in participating states. This component comprises three subcomponents.

- **Subcomponent A.1: *Climate-informed Rural roads rehabilitation/upgrade:*** About 3000 km of rural roads to and from socio-economic community infrastructure will be rehabilitated or upgraded by the project as to enhance the resilience of the rural road network to climate change impacts and ensure year-round connectivity. The rural roads will be selected for rehabilitation or upgrading considering climate change-related hazard levels, exposure and vulnerability of the rural roads, ancillary assets, and of socio-economic benefits to communities served. The rehabilitation works will include climate resilience and flood protection measures, such as repairing, and strengthening bridges and culverts, slope stabilization, erosion protection improvements, road surface repairs or resurfacing, and other engineering solutions. As much as possible, the project will adopt technical considerations facilitating the flow of water from surface and drainage of the main and upstream to rapidly capture flood waters and recycle them into agriculture activities. The project will also explore techniques from the Green Roads for Water approach and any additional physical measures, as needed. The envisaged civil works will also focus on local resource-based solutions/materials that are compatible with the local context/conditions.

- **Subcomponent A.2: Technical support for Rural Roads rehabilitation/upgrade** required for the successful implementation of subcomponent A.1. including: (a) technical design (including consulting services for incorporating nature-based solutions and “Green Roads for water” approach), environmental and social safeguards instruments, and bidding document for project related activities; (b) monitoring and supervision of the implementation of the civil works, including the Occupational Health and Safety plan (OHS) and Road Safety Management during works as well as the resettlement action plan (RAP).
- **Subcomponent A.3: Social inclusion and promotion of gender equality (US\$ 20 million equivalent)** will be fully integrated as part of the project through (a) the scale-up of the Maternal New-born and Child Emergency Transport Services (MANCETS) initiatives in participating states. Converted three-wheelers into mini ambulances, will be handed to health facilities identified along the roads to be rehabilitated and will contribute to the reduction of rural maternal mortality and facilitate access of giving birth mothers to Primary Health Care PHCs centers. The National Emergency Medical Service and Ambulance System (NEMSAS) will support the project in the implementation and monitoring of this activity. (b) The establishment of an apprenticeship program within the Rural Access Road Agency (RARAs) to train young men and women engineers, with a particular focus on gender inclusion. As part of the program, a stipend will be provided to participants complemented by a mandatory rotation within several departments of the institution and mentorship by senior engineers. A non-bidding MOU between the RARAs, several engineering universities, and contractors will be signed to facilitate the school-to-work transition.

**The project will build climate resilience of the road infrastructure, ancillary assets, and of served communities.** Through active targeting of roads serving areas with higher vulnerability to climate risks (higher temperatures, droughts, excessive rainfall, etc.), the project will deploy adaptation measures for increased resilience and help adapt to and manage risks related to water scarcity, and agricultural productivity losses in these areas. through providing resilient access and building in physical adaptation components (drainage, food storage, shading, etc.) at local level, as needed. Moreover, as part of the institutional support for rural road management, the project will build capacity in conducting climate and disaster risk assessments in RARAs as well as incorporating climate considerations in the decision-making criteria of these entities.

**The project will integrate road safety considerations to the road design and implementation.** The proposed interventions on rural roads (rehabilitation and upgrade) may exacerbate road safety concerns. Without adequate road safety measures, the improvement of road infrastructures often leads to an increase in average vehicle speeds, thereby heightening the risk of road crashes. To address this imminent challenge, the project will conduct the RSSAT analysis and integrate a comprehensive road safety audit, drawing on methodologies endorsed by international road safety organizations. The road safety audits will identify critical safety measures tailored to the unique rural road conditions in Nigeria. The project aims to prioritize several key safety interventions based on best practices such as adopting effective speed management strategies, including the implementation of speed limits and traffic calming measures, dedicated pedestrian walkways, raised pedestrian crossings, marked facilities for bicyclists and motorcyclists, and the installation of roundabouts at community centers crossed. These measures have been proven to enhance road safety and minimize the risk of road traffic crashes and fatalities.

**Component B: Climate Resilient Asset Management:** This component aims to carry out climate-informed maintenance activities to enhance the resilience of the rural road network, building on sector and institutional reforms established by the parent project, and the enhancement of established climate-resilient road asset management systems NiTRIMS<sup>20</sup> in newly established state road authorities (RARAs).

This component comprises of two sub-components:

- **Subcomponent B.1: *Asset management improvement and Resilience Scale-up:*** This subcomponent will finance: (a) climate risk-informed routine and periodic maintenance of 3500 km of rural roads identified through the Annual Road Maintenance system (ARMP) by the established RARA in participating states; (b) technical design, environmental and social safeguards instruments, and bidding document for project related maintenance activities; (c) monitoring and supervision of the implementation of maintenance works.
- **Subcomponent B.2: *Development and implementation of a climate risk-informed road asset management system:*** This component entails: (a) The revision of road maintenance protocols to integrate climate resilience considerations in rural road maintenance activities (b) The development and integration of a climate risks module in the Nigeria Rural Transport Infrastructure Management System (NiTRIMS) system and the compilation and collection of the data required, including the establishment of data collection and compilation protocols, establishment of inter-agency cooperation agreements, and other provisions for continued system updates. (c) The addition of poverty, health, and education data (collected through satellite imagery and other sources of geospatial Big Data) to the NiTRIMS system layered with climate considerations for most climate-vulnerable population segments, in road prioritization for rehabilitation and maintenance. (d) Rolling out the use of NiTRIMS in all 36 states (building on activities from previous RAAMP phases, and (e) RARAs staff training and strengthening their capacities for the adoption of NiTRIMS (with the additional climate and social considerations)

**The roads to be selected for routine and periodic maintenance will be identified within the Annual Road Maintenance Plan (ARMP) generated yearly by the established road asset management tool NiTRIMS.** Nigeria Rural Transport Infrastructure Management System (NiTRIMS) is a comprehensive rural transport management system developed by the parent project RAAMP and implemented in the parent project's nineteen (19) participating states. The system features include: (a) state-wide complete inventory and condition data of rural transport infrastructure; (b) a cost module for automatic estimation of sub-project costs; (c) an investment prioritization module that will prioritize road maintenance and investments using objective criteria –under both limited and unlimited budget constraints; (d) a display module for visual assessment of rural transport infrastructure assets and their conditions using Geographic Information Systems (GIS) visual tools; (e) a contract management module supporting contract management project costs; and (f) the programming of the Annual Road Maintenance Plan (ARMP). The system adopts multi-criteria analysis in investment prioritization and use an operational strategy for selection of interventions.

**The project will also support safe access to schools' initiative along the roads to be maintained.** In addition to the incorporation of road safety consideration to the roads under

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<sup>20</sup> Nigeria Rural Transport Infrastructure Management System (NiTRIMS) is a comprehensive rural transport management system for appropriate management of rural roads assets based on an asset life-cycle management costing approach, that has been designed and is under implementation for the parent project

component A, following the International Road Assessment Programme (iRAP<sup>21</sup>) Star Rating, the project will conduct a risk assessment of schools along the roads to be maintained under component B. The objective would be to assess the identified school's risks and bring the iRAP star rating per school to at least 3 stars (where 1 is the least safe and 5 is the safest school) by addressing the problematic areas through physical improvements (speed humps; pedestrian crossings; speed management traffic signs; etc.), which will be accompanied by road safety awareness campaigns for pupils.

**Component C: Institutional Strengthening and Project Management:** This component will support two subcomponents:

- **Subcomponent C.1: Project Management:** which will support project operating costs, training, project monitoring, and impact evaluation activities. It will also cover TA consultancies including support to the Department of Lands under the Ministry of Agriculture and Food Security to address the resettlement activities systematically. This sub-component will also support project risk mitigation activities including third-party monitoring for sexual exploitation and abuse (SEA), gender, and Grievance Mechanism (GM).
- **Subcomponent C.2: Institutional Strengthening and sector reforms.** This entails the provision of technical advisory services and capacity-strengthening activities, building on previous state-level sector reforms supported in earlier stages of the RAAMP program, to ensure the sustainability of these institutions. Specifically, it will aim to cover: (a) Continuation of state-level road sector reform activities, including identification, evaluation, and implementation of measures to improve the institutional and financial sustainability of the newly established entities (RARA & SRF) in participating states. (b) TA to develop a climate risk assessment and management framework for the rural road network to inform transport planning and the selection of priority roads for investment (rehabilitation and upgrading). This component will also entail the development and operationalization of a climate risk management plan for rural roads (and served rural communities) at the state level and the federal level, for mapping of possibilities of adoption of the "Green roads for water" approach. This subcomponent will also finance RARAs building capacities to conduct local-level climate risk assessments as to inform road civil works related to road rehabilitation, upgrading, construction, and maintenance. Provision of TA and training on the revision of procurement protocols to integrate climate risks and resilience considerations in road construction/rehabilitation/upgrading designs, and incorporation of climate risks and resilience considerations in the rural roads asset management system. Support will also entail the development of national guidelines on climate resilient design standards for rural roads, bridges construction, rehabilitation, upgrading/retrofitting, and maintenance as well as the development of climate resilient technical standards. (c) Rural road safety's institutional strengthening both on Federal and state level. (d) Support for the operationalization of the national rural road directorate (NDRR) to be mandated under the newly established national Agriculture development Fund (NADF), including operational budget, technical support for governance and institutional management, as well as building capacities related to climate risk management and incorporation of climate considerations in decision making.

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<sup>21</sup> International Road Assessment Programme (iRAP) is a registered charity dedicated to saving lives by eliminating high risk roads throughout the world.



**Component D: Contingent Emergency Response:** The component will address emergency needs as agreed with the government following an officially declared natural disaster.

This component allows for possible reallocation of uncommitted project financing in the event of a natural disaster. As per standard Bank procedure, a CERC Manual and an Emergency Action Plan would be prepared separately and approved by the Bank, as a disbursement condition for the CERC. If this component is activated, the project will be restructured to reallocate funds, and to revise the PDO, indicators, and implementation arrangements as needed. The CERC activities will be carried out in accordance with the CERC Manual and the Emergency Action Plan. 3.

#### RATIONALE FOR THE LMP

The RAAMP Scale-Up project is being prepared under the World Bank Environmental and Social Framework (ESF). Under the ESF, infrastructure development projects such as RAAMP-SU will require the use of various categories of project workers hence the requirements of Environmental and Social Standard 2 (ESS 2), Labour and Working Conditions, are relevant. Specifically, project activities associated with hiring and use of labour have the potential to generate positive and negative impacts. Positive impacts include the provision of temporary employment during civil works which will improve the livelihoods of the hired persons. Potential negative impacts include social risks and impacts associated with occupational health & safety risks such as accidents, exposure to hazardous conditions and diseases, community health & safety risks such as accidents/spread of STDs, risks of GBV/SEA/S, shortages of commodities and pressure on basic services due to potential labour influx, likely child labour and forced labour, poor treatment of workers such as discriminatory recruitment process, unfair wages often below the national minimum wage provision, exploitative work hours, unsafe working conditions, poor workers welfare, etc.

Against this backdrop, the FPMU requires the services of an individual consultant to prepare a Labour Management Procedure (LMP) for the RAAMP-SU. The preparation of the LMP is to be guided by the national and state labour laws, the World Bank ESF, and in compliance with the ESS2: Labour and Working Conditions.

#### 4. OBJECTIVES OF THE TERMS OF REFERENCE (TOR)

The objective of the consultancy service is to prepare a Labour Management Procedure (LMP) for the proposed RAAMP-SU. The Consultant shall ensure that the LMP complies with and meets the legal and policy requirements of the Government of Nigeria and the World Bank. More specifically, the LMP should set out the procedures for addressing labour conditions and risks associated with the proposed project. The LMP is expected to align with the context of the World Bank Environmental and Social Standards (ESS) 2 on Labour and Working Conditions (See Annex A)

Specifically, the Labour Management Procedures will be developed to;

Specify the ways in which project workers will be managed, in accordance with the requirements of national law (inclusive of ratified international conventions) and ESS 2 Address the way in which ESS2 will apply to different categories of project workers, including direct workers,

Specify the requirements that RAAMP-SU demand third parties to meet in managing their workers in accordance with national law (inclusive of ratified international conventions) and ESS

## 5. DETAILED SCOPE OF WORK FOR THE PREPARATION OF THE LMP

The RAAMP-SU is to be implemented in all States of the FGoN. The scope of this ESMF will cover all 36 States and those subproject activities are likely to be supported by the SU. The project is expected to be implemented during the period between 2024 - 2029.

The LMP shall guide the RAAMP-SU project in the 36 States which is expected to be implemented during the period between 2024 - 2029. The LMP shall provide guidance for implementing and ensuring compliance with Labor and Working Conditions requirements and objectives of ESS2. It covers general requirements under working conditions and management of workers' conditions including: a) term and conditions of employment, b) none discrimination and equal opportunity, c) workers' organizations, d) protection of the workforce (child and forced labor), e) Grievance mechanism, f) occupational health and safety, g) contractor works, h) community workers, and i) primary supply workers. The LMP should describe the requirements and expectations in terms of compliance, reporting, roles, supervision, and training. The LMP will cover all categories of workers but exclude government workers/civil servants working in connection with this project except if there is a legal transfer of their employment or engagement to this project. The LMP will present the following:

**Overview of labor use on the project:** This should describe the following, based on available information: number of project workers, characteristics of project workers, the timing of labour requirements, contracted workers, migrant workers, etc. Also, identification of all classes of possible project workers.

**Assessment of potential labor risks:** This should describe identifiable labor risks associated with project activities, based on available information.

**Description of labor legislation on Terms and conditions of employment under the project):** This should set out the key aspects of national labour legislation with regard to terms and conditions of work, and how national legislation applies to different categories of workers identified as part of the overview of labour use on the project. This will focus on legislation that relates to wages, deductions, rest per week, annual holiday and sick, maternity and family leave, and other benefits as stated in Paragraph 11 of ESS2. The consultant will describe the following in the LMP:

- Specific wages, hours and other provisions that apply to the project,
- Maximum number of hours that can be worked on the project,
- Any collective agreements that apply to the project. When relevant, provide a list of agreements and describe key features and provisions,
- Other specific terms and conditions such as forced labour, non-discrimination, and equal opportunity

**Description of labor legislation on Occupational Health and Safety under the project:** This is required to set out the key aspects of the national labour legislation with regard to occupational health and safety, and how national legislation applies to the different categories of workers.

**Roles and responsible Staff for Labor Management:** This should identify the functions and/or individuals within the project responsible for (as relevant): engagement and management of project workers, engagement and management of contractors/subcontractors, Occupational Health and Safety (OHS), training of workers and addressing worker grievances.

**Labor Management Policies and Procedures:** A description of information on OHS, reporting and monitoring, and other general project policies is required. Measures to address labour risks

related to the project will also be described. Where relevant, it identifies applicable national legislation that requires measures, policies, and procedures specified for application to project activities.

**Definition of Age of employment:** The consultant should set out details regarding (i) the minimum age for employment on the project (ii) the process that will be followed to verify the age of project workers (iii) the procedure that will be followed if underage workers are found working on the project (iv) the procedure for conducting risk assessments for workers aged between the minimum age and 18

**Workers Grievance Mechanism:** The consultant will set out details of the grievance mechanism that will be provided for all workers identified as part of the overview of labour use in the project and describe ways in which these workers will be made aware of the mechanism.

**Contractor Management:** The consultant will set out details regarding (i) the selection process for contractors (ii) contractual provisions that will be put in place relating to contractors for the management of labour issues, including occupational health and safety (iii) procedure for managing and monitoring the performance of contractors.

The Labour Management Procedures will be developed following the Outline placed in Annex 1 of this Terms of Reference. All material changes to the Outline will be presented to the client team in the Inception Report. Approval of such changes must be granted before the consultant may proceed to affect them in the draft LMP and other submissions.

## 6. REPORTING

The Consultant will work closely with the Federal Project Management Unit (FPMU) Social Safeguards Unit and the State Project Implementation Unit (SPIU) Safeguard Units, where applicable.

## 7. DURATION OF THE ASSIGNMENT

The duration for preparing the Labour Management Procedure (LMP) shall not exceed 7 weeks. The Consultant shall prepare a detailed work plan for conducting the assignment after the contract signing.

## ANNEX 2: Summary of Stakeholders Consultations for the Preparation of the LMP

### Summary of Consultations with Relevant Institutions at the Federal and State Levels

Consultations were at the Federal level with the Federal Ministries of Environment, Women Affairs, Labor & Productivity and the Nigeria Labor Congress. Consultations were held in the selected 12 states (Kaduna, Katsina, Ebonyi, Anambra, Lagos, Ekiti, Benue, Adamawa, Taraba, Nasarawa, Delta, and crossrivers) with the State Ministries of Environment, Women Affairs, Labor, Nigeria Labor Congress State Chapters. Information from the proceedings is provided in the tables below.

**Table 10: Summary of State Level Consultations**

<b>Date: 21/03/2024</b>	
<b>Venue:</b> Kaduna State Ministry of Environment and Natural Resource	
<b>Participants:</b> Permanent Secretary	
<b>Objectives:</b> To inform stakeholders about the Labor management Procedures for the RAAMP-SU and solicit critical information	
<b>Findings from Stakeholders</b>	<b>Feedback from LMP Consultants</b>
<p>No separate policy, procedures and requirements on OHS and workers safety in EIA in the State.</p> <p>The State Ministry uses legal instruments provided by the Federal Ministry of Environment.</p> <p>Guidelines on construction sector projects regarding workers does not exist at state level.</p>	<p>The project will comply with the National requirements and legislation.</p> <p>This LMP will contain specific guidelines and procedures for Labor management in the RAAMP-SU.</p> <p>The document will be duly disseminated to all stakeholders at the state level and will further be disclosed by the Kaduna state ministry of environment</p>
<b>Date: 21/03/2024</b>	
<b>Venue:</b> Kaduna State Nigeria Labour Congress (NLC) Office	
<b>Participants:</b> Nigeria Labour Congress (NLC) – Kaduna State Chapter	
<b>Findings from Stakeholders</b>	<b>Feedback from LMP Consultants</b>
<p>The Secretary of the NLC Kaduna State Chapter provided the following information:</p> <ul style="list-style-type: none"> <li>• The State uses Labour and Employment Laws developed at the national level.</li> <li>• Wages, deductions and benefits</li> <li>• 1% Dues are paid every month for insurance.</li> <li>• Deductions are made in regard to loans owned which are compulsory.</li> <li>• Retired package are available.</li> <li>• Severance package are provided for workers who were disengaged from their work.</li> </ul> <p><b>Occupational Health and Safety</b></p> <ul style="list-style-type: none"> <li>• Health insurance is provided regarding OHS using agencies such as the Kaduna State Contributive Health Authority (KADCHMA) and the National Health Insurance Scheme (NHIS).</li> <li>• Safety issues are considered important based on the organization.</li> </ul> <p><b>Policies on workers' injury.</b></p>	<p>The project will comply with the National requirements and legislations.</p> <p>This LMP will contain specific guidelines and procedures for Labor management in the RAAMP-SU which will include the recommendations of the Kaduna NLC Chapter.</p> <p>The document will be duly disseminated to all stakeholders at the state level and those that will be engaged to work on the project</p> <p>Robust measures covering OHS, policies on injury, women workers will be adequately captured in the LMP.</p>

<p>This is available but most workers have no orientation on this and no knowledge of how to fight for their rights. (NLC recommends all organization should orient their work on this).</p> <p><b>Maternity for women</b> at Federal level is 6 months while it is still 3 months in Kaduna State.</p> <p><b>Grievances</b></p> <ul style="list-style-type: none"> <li>The State chapter of the NLC is the last resort in handling labour-related issues. The various associations in the organizations are the first port of call and are to be duly consulted adequately.</li> <li>Also grievances can be taken to the Court.</li> </ul>	<p>The LMP will provide a grievance redress mechanism for workers and it will be duly disseminated to all workers on the project.</p>
<p><b>Date: 23/03/2024</b></p>	
<p><b>Venue:</b> Katsina State Ministry of Environment and Natural Resource</p>	
<p><b>Findings from Stakeholders</b></p> <p>No separate policy, procedures, and requirements on OHS and workers' safety in EIA in the State. The State Ministry uses legal instruments provided by the Federal Ministry of Environment. However, work is ongoing to develop environmental policies specific to the State.</p>	<p><b>Feedback from LMP Consultants</b></p> <p>The project will comply with the National requirements and legislation.</p> <p>This LMP will contain specific guidelines and procedures for Labor management in the RAAMP-SU.</p> <p>The document will be duly disseminated to all stakeholders at the state level and will further be disclosed by the Kaduna State Ministry of environment</p>
<p><b>Date: 23/03/24</b></p>	
<p><b>Venue:</b> Katsina State Nigeria Labour Congress (NLC) Office</p>	
<p><b>Participants:</b> Vice President, NLC Katsina State Chapter, Vice President, Treasurer, Nigerian Civil Service Union (NCSU)</p>	
<p><b>Findings from Stakeholders</b></p> <p>NLC at the state level depends solely on National Law regarding Labour and Employment Laws</p>	<p><b>Feedback from LMP Consultants</b></p> <p>The project will comply with the National requirements and legislation. This LMP will contain specific guidelines and procedures for Labor management in the RAAMP-SU.</p>
<p><b>Date: 21/03/2024</b></p>	
<p><b>Venue:</b> Ministry of Wealth Creation and Employment</p>	
<p><b>Participants:</b></p>	
<p><b>Findings from Stakeholders</b></p> <p>Ministry of Wealth Creation and Employment established by the Executive Order of 2023. The State also adopted the National labor law (2004), which sets the standard for the minimum amount of naira a worker in Nigeria is supposed to make. The law also captures policies and legislation to address issues concerning all types of workers in the State like direct workers, contracted workers, community workers, and unskilled labor.</p> <p>The Ekiti State government is also working on the preparation of Labor Market Information System (LMIS) which aims to capture the data of the numbers of unskilled labor in the State. Ekiti Employment Trust Fund which aims at coordinating the welfare of the workers during and after retirement.</p>	<p><b>Feedback from LMP Consultants</b></p> <p>The project will comply with the National requirements and legislations. This LMP will contain specific guidelines and procedures for Labor management in the RAAMP-SU.</p> <p>This information should be made available to the RAAMP SPIU so that it can be incorporated in the project</p>

<p>Ekiti State Local Content Law, 2022: The Ekiti State Local Content Law is a law that provides mandatory inclusion of locally available manpower on all government contracts financed by the government of Ekiti State. The law requires contractors working on projects in Ekiti State to source semi-skilled and unskilled labour from a pool of pre-qualified artisans and technicians available at the Ekiti State Local Content Board in the bidding of contracts and other related matters.</p>	<p>The RAAMP-SU will adopt this law in the bidding and contractual process for contractors</p>
<p><b>Date:</b> 25/03/2024</p>	
<p><b>Venue:</b> Lagos State Ministry of Agriculture</p>	
<p><b>Participants:</b></p>	
<p><b>Findings from Stakeholders</b></p>	<p><b>Feedback from LMP Consultants</b></p>
<p>All the concerns with respect to labor management are encompassed within the regulations outlined by the Lagos State Government Public Servant rules.</p> <p>Staff members are free to join any association they want such as NLC, Union of Agricultural and Allied Workers, Senior Civil Servant of Nigeria, Junior Civil Service Association, Trade Unions, professional associations, Cooperative Societies, Joint Negotiating Council, etc.</p>	<p>The National and state public service rules will guide the preparation of this LMP.</p> <p>The document will be made available to the project stakeholders.</p>
<p><b>Date:</b></p>	
<p><b>Venue:</b> Nigeria Labour Congress (NLC) – Nasarawa State Chapter</p>	
<p><b>Participants:</b> Secretary, NLC Nasarawa State Chapter</p>	
<p><b>Findings from Stakeholders</b></p>	<p><b>Feedback from LMP Consultants</b></p>
<p>The Secretary provided the following information:</p> <ul style="list-style-type: none"> <li>• Hours of Work and Overtime: Normal Hours of work in any undertaking shall be those fixed by (a) mutual undertaking (b) by collective bargaining within the organization or industry concerned or (c) by an industrial wages board.</li> <li>• Manner of Employment: the wages of a worker shall in all contracts be made payable in legal tender and not otherwise; (b) if any contract the whole or any part of the wages of a worker is made payable in any other manner the contract shall be illegal, null and void.</li> <li>• Contracted Worker: Written particular of Terms of Employment: Not later than three (3) months after the beginning of a worker’s paid period of employment with an employer, the employee shall give to the worker a written statement specifying: <ul style="list-style-type: none"> <li>✓ The name of the employer or group of employers and where appropriate, of the undertaking by which the worker is employed;</li> <li>✓ The nature of the employment;</li> <li>✓ The name and address of the worker and the place and date of his or her engagement;</li> <li>✓ If the contract is for a fixed term, the date when the contract expires; any terms and conditions relating</li> </ul> </li> </ul>	<p>The information provided will guide the preparation of the LMP.</p> <p>This LMP will contain specific guidelines and procedures for Labor management in the RAAMP-SU</p>

to hours of work, holiday and holiday pay, any special condition, etc.	
<b>Date:</b>	
<b>Venue:</b> Cross Rivers State Ministry of Environment	
<b>Participants:</b> Secretary, NLC Nasarawa State Chapter	
<b>Findings from Stakeholders</b>	<b>Feedback from LMP Consultants</b>
<ul style="list-style-type: none"> <li>• There are some sub-unions under the ministry. An example is the trade union with state representatives.</li> <li>• Workers are also allowed to form their own welfare unions to cater to their interests. This is the same in other MDAs</li> <li>• The NLC in Cross Rivers focuses on agitation for workers' welfare, emoluments, and retirement benefits.</li> <li>• Channels for grievance redress include <ul style="list-style-type: none"> <li>✓ The department of labor and productivity</li> <li>✓ The Cross River State Public Negotiating Council</li> </ul> </li> </ul>	<p>The information provided will guide the preparation of the LMP.</p> <p>This LMP will contain specific guidelines and procedures for Labor management in the RAAMP-SU</p> <p>A grievance redress procedure for workers will be provided in the LMP and duly disseminated to stakeholders</p>

**Consultation with Mothercat Nigeria Limited** – Contractor - RAAMP Pilot Road – Danja-Bazanga-Nahuche Road with Spur from Bazanga to Kokami (under the parent project).

**Objectives:** to identify existing practices with respect to labor management on the parent project and obtain information on numbers and types of workers amongst other critical information.

**Road Length** – 24.4 km

**Findings:**

- There are 7 female workers (1 skilled, 6 unskilled) on the team of about 150 workers.
- Job roles include site engineers/supervisors, Bricklayers, Carpenters, and HSE officers.
- **Occupational, Health, and Safety:** Safety training/ toolbox meetings are always conducted by the HSE officers, and also provision of Personal Preventive Equipment (PPE) to all workers was made. Safety representatives ensure the compliance of PPE, work-zone protection, health & safety of the workers, and cleanliness of the camp. Security consciousness and awareness are also being discussed.
- **Insurance types that are compulsory and optional:** Retirement Saving Account was made compulsory for all workers which are monthly contributions (8% of monthly salary + 10% company's contribution to an individual retirement account) which is being paid to individual various insurance accounts which can be claimed after retirement.
- **Policies On Workers Injury:** Employee to notify the Supervisor and Safety Officer immediately and then the Supervisor or the Employee to notify Human Resources/ Management. An Incident Report should be filled out within twenty-four (24) hours of any accident. It should be submitted to the Human Resources Office /Management. If the injured employee is not available for their input, the form can be completed by the Supervisor or Human Resources Representative. Employees are paid on the date of injury as regular work when treatment is required. If an employee is not released to return to work immediately – Sick/Vacation time may be used for the first seven (7) days of lost work.

- **Break-time and rest periods:** The company works from Mondays to Saturdays with a break time of 12:00 pm – 1:00 pm (1 hour) with the exception of Fridays. On every Fridays, break time of 1:00 pm – 2:30 pm (1 hour, 30 minutes) was given to all workers to observe their break and rest
- **Associations/Unions:** The welfare of all workers is being followed up with the management to ensure no one is lagging behind. The Union also comes between the management and workers in terms of grievances. The union also ensures that each and every worker is issued with PPE before commencing work. They also ensure that workers entitlements are been followed up accordingly.

### Work schedule structure for different roles.

S/No.	Items	Roles	Work Hazards	Preventive Measures
1	Site Engineers/ Supervisors	Overseeing all the site activities and reporting all on daily basis	Falling from Height	Harness provided & Personal Preventive Equipment (PPE) /Toolbox & Training
			Struck - by - Accident	Implement barricades, warning signs and use of PPE
			Excavation & Trenching (Cave-in & Collapse)	Shoring, sloping and trenching boxes for supported provided with PPE
			Heavy Equipment Accidents (Cranes & Heavy machines)	Training for operators, ensure equipment maintenance & placing of safety signs (speed limit, use of seat belt & directional signs)
2	Bricklayers	Involves in blockworks and concrete works	Exposure to dust and cement (Silica)	PPE (Nose mask, hand gloves, eye goggle, rubber boot & helmet) provided for workers
			Trips and Falls	Cleaning of spills and clearing of dirt on site/Toolbox meeting conducted
			Chemical Exposure	PPE provided /Toolbox meeting conducted
3	Carpenters	Involves in wood works and formworks	Cuts & Abrasions	PPE provided /Toolbox meeting conducted
			Falls	Workplace preparations, PPE provided and Toolbox meeting conducted
			Chemical Exposure	PPE provided /Toolbox meeting conducted
			Heavy Lifting Equipment	Proper lifting techniques, PPE provided, Training/Toolbox conducted
4	HSE Officer	Making sure maximum compliance of safety of the workplace, provision of PPE to workers, & conducting safety Training /Toolbox to all workers	Physical Hazard: (Noise, temperature & other physical aspect of work environment)	PPE Provided and regular equipment maintenance
			Biological Hazard: (Exposure to pathogens, bacteria & other infections)	Proper sanitation practices and implementation of protocols for handling potentially infectious materials.
			Ergonomic Hazard: (Improper workstation setup)	Encouraging regular breaks, offering training on proper lifting techniques and adjusting workstations to minimize strain



## Pictures and attendance of Consultations



Consultations with Katsina RAAMP SPIU



Representative of Department of Labor in Katsina State



Consultations in Ekiti State



Consultation at Lagos State Ministry of Agriculture



Min of Agriculture and irrigation development, Calabar, Cross Rivers State

RURAL ACCESS AND AGRICULTURAL MARKETING PROJECT SCALE-UP (RAAMP- SU) CONSULTATION ATTENDANCE SHEET						
S/N	NAME	DESIGNATION	ORGANISATION/ COMMUNITY	E-MAIL	PHONE	SIGNATURE
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3	OGUNSEYE O.A	Dir AGRIC SERVICES	AGRIC SERVICES	alabafemba@gmail.com	08055316635	[Signature]
4	TOJU-TUBI A.O	Dir. Development	LSADA	ronketojutubi@gmail.com	08023201282	[Signature]
5	Ogunyi O.O	D. PRSD	P. R.S. D MVA	sumotoogunyi@yahoo.com	0803322871	[Signature]
6	AUDU, EMMAWUEL	PS	Ministry of Agric	e.audu@lagosstate.gov.ng, emmaueldau@gmail.com	08023042863	[Signature]



EKITI RURAL ACCESS AND AGRICULTURAL MARKETING PROJECT SCALE-UP (RAAMP- SU) CONSULTATION ATTENDANCE

SHEET

VENUE: EKITI SPV / MoE / Labour / Transport

DATE: 21/03/2024

S/N	NAME	DESIGNATION	ORGANISATION/ COMMUNITY	E-MAIL	PHONE	SIGNATURE
1	Adunayo Smlay	SPC	Suburand	smayadunayo@gmail.com	08030776482	[Signature]
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6	ADENIGBA ADEBAYO	EXEC. SECRETARY	Bureau of Land Services	adebayo.adenigba@yahoo.com	0806558554	[Signature]
7	Abereola Bunmi	DAS	Min. Wealth Creation & Employment	abereolabunmi2019@gmail.com	08137576049	[Signature]
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Bureau of Lands  
Laboratory

RURAL ACCESS AND AGRICULTURAL MARKETING PROJECT (RAAMP) SCALE-UP ATTENDANCE SHEET

ENVIRONMENTAL AND SOCIAL INSTRUMENTS

LOCATION: EBOWI STATE

DATE:

S/N	NAME	DESIGNATION	CONTACT NUMBER	EMAIL	SIGNATURE
1	ESV Rita Ugwumba	Chief Land Officer	08035497021	rita.ugwumba@gmail.com	[Signature]
2	Engr. Felix A. Oti	EBRAAMP SPC	08037617310	otifelix@gmail.com	[Signature]
3	DR. OKORONKWO CHIMAOKI	ENVIRONMENTAL SAFEGUARD OFFICER	08032496820	okoronkwochima061970@gmail.com	[Signature]
4	IBINA, MARCELLINA	GBVO EBRAAMP	08037911833	ibinamarcellina@gmail.com	[Signature]
5	Prof. Ogugua Egun	Chairman NLC	08034518414	egunoc@gmail.com	[Signature]
6	DR. OKORONKWO CHIMAOKI	SENIOR SENIOR FILE OFFICER, EBOWI STATE MIN. OF ENVIRONMENT	08032496820	okoronkwochima061970@gmail.com	[Signature]
7	ALI-FRANSLIN	Trader	08113172356		[Signature]
8	ODIH CHRISTOPHER	Transporter	08057053075		[Signature]
9	EWADEME GRACE	Trader	0805245490		[Signature]

## **ANNEX 3: Sample Code of Conduct**

### **1.0. AIM OF THE CODE OF CONDUCT**

The main aim of the Code of Conduct is to prevent and/or mitigate social risks within the context of rehabilitation and expansion of schools. The Codes of Conduct are to be adopted by contractors. The social risks that may arise include but are not limited to Gender-Based Violence (GBV), Violence Against Children (VAC), HIV and AIDS infection/spread, and occupational health and safety.

### **2.0 KEY DEFINITIONS**

The following definitions apply:

#### **Gender-Based Violence (GBV)**

This is defined as any conduct, comment, gesture, or contact perpetrated by an individual (the perpetrator) on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual (the survivor) without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.

#### **Violence Against Children (VAC)**

This may be defined as physical, sexual or psychological harm of minor children (i.e., under the age of 18), including using for profit, labour, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium.

#### **Child Labour**

This involves the employment of underage. Any person under the age of 18 should not be employed in the project sites.

#### **Child Protection (CP)**

An activity or initiative designed to protect children from any form of harm, particularly arising from VAC, and child labour.

#### **Child**

The word is used interchangeably with the term 'minor' and, in accordance with the United Nations Glossary on Sexual Exploitation and Abuse, refers to a person under the age of 18.

#### **Grooming**

This is defined as behaviours that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualize that relationship (for instance by encouraging romantic feelings or exposing the child to sexual concepts through pornography).

#### **Online Grooming**

This is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.

#### **Survivor/Survivors**

This is defined as the person(s) adversely affected by GBV, VAC, and child labour. Women, men and children can be survivors of GBV, VAC, and child labour.

#### **Perpetrator**

This is defined as the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV, VAC, and child labour.

#### **Worksite**

This is defined as the area in which infrastructure development works are being conducted, as part of interventions planned under the project, funded by the World Bank.

#### **Worksite surroundings**

These are defined as the 'Project Area of Influence' which is any area, urban or rural, directly affected by the project, or located within the distance of three kilometers' radius of the work site and/or worker's camps, including all human settlements found on it.

#### **Consent**

This word is defined as the informed choice underlying an individual's free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Any use of a threat to withhold a benefit, or of a promise to provide a benefit, or actual provision of that benefit (monetary and non-monetary), aimed at obtaining an individual's agreement to do something, constitutes an abuse of power; any agreement obtained in presence of an abuse of power shall be considered non-consensual. In accordance with the United Nations, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age. A mistaken belief regarding the age of the child and consent from the child is not a defense.

#### **Contractor**

This is defined as any firm, company, organization or other institution that has been awarded a contract to conduct infrastructure development works in the context of the project and has hired managers and/or employees to conduct this work.

#### **Manager**

The word is used interchangeably with the term 'supervisor' and is defined as any individual offering labour to the contractor, on or off the work site, under a formal employment contract and in exchange for a salary, with the responsibility to control or direct the activities of a contractor's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.

#### **Employee**

This is defined as any individual offering labour to the contractor on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.

#### **Workers Committee**

A team was established by the Contractor to address GBV, VAC, child labour and other relevant issues with the workforce.

### **3.0 CODES OF CONDUCT**

This chapter presents three Codes of Conduct (CoC) for use:

1. **Contractor Code of Conduct:** Commits the contractor to addressing GBV and VAC issues;
2. **Manager's Code of Conduct:** Commits managers to implement the Company Code of Conduct, as well as those signed by individuals; and,
3. **Individual Code of Conduct:** Code of Conduct for each individual working on project-funded projects

#### **3.1 Contractors Code of Conduct**

Contractors are obliged to create and maintain an environment that prevents social risks. They have the responsibility to communicate clearly to all those engaged on the project the behaviors which guard against any form of abuse and exploitation. In order to prevent social risks, the following core principles and minimum standards of behaviour will apply to all employees without exception:

GBV or VAC constitutes acts of gross misconduct and is therefore grounds for sanctions, penalties, and/or termination of employment and/or contract. All forms of social risks including grooming are unacceptable be it on the work site, the work site surroundings, or at worker's camps of those who commit GBV or VAC will be pursued.

Treat women, children (persons under the age of 18), and people with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic, cultural beliefs/practices, or other status.

Do not use language or behaviour towards men, women, or children that is inappropriate, harassing, abusive, sexually provocative, demeaning, or culturally inappropriate.

Sexual activity with children/learners under 18 (including through digital media) is prohibited. Mistaken belief regarding the age of a child and consent from the child is not a defense.

Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.

Sexual interactions between contractor's employees and communities surrounding the workplace that are not agreed to with full consent by all parties involved in the sexual act are prohibited (see definition of consent above). This includes relationships involving the withholding, and promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex.

Where an employee develops concerns or suspicions regarding acts of GBV or VAC by a fellow worker, whether in the same contracting firm or not, he or she must report such concerns in accordance with established Grievance Redress Mechanism (GRM) that protects the identities of victims and whistleblowers.

All contractors are required to attend an induction prior to commencing work on site to ensure they are familiar with the social risks and Codes of Conduct.

All employees must attend mandatory training once a month for the duration of the contract starting from the first induction prior to commencement of work to reinforce the understanding of the institutional social risks and Code of Conduct.

The Contractor shall ensure provision of financial resources and support compliance to occupation health and safety requirements for all workers.

1. The Contractor shall ensure that workers dress appropriately i.e. dress in a way that: - ▪

Is unlikely to be viewed as offensive, revealing, or sexually provocative.

- ✦ Does not distract, cause embarrassment or give rise to misunderstanding
- ✦ Is absent of any political or otherwise contentious slogans
- ✦ Is not considered to be discriminatory and is culturally sensitive

The Company shall ensure the provision of financial resources and training to prevent spread of HIV and AIDS.

The company shall comply with all the applicable international and national legislation including giving terminal benefits to workers who have served for at least three months;

All contractors must ensure that their employees sign an individual Code of Conduct confirming their agreement to support the prevention of social risk activities.

The contractor should ensure equitable access to limited natural resources (e.g. water points) to avoid conflicts with local communities.

Where possible, the contractor should ensure employment of local workforces especially where unskilled labour is required to mitigate social risks.

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein, and understand my roles and responsibilities. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in termination of the contract.

FOR THE CONTRACTOR

Signed by: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

### 3.2 Code of Conduct for Construction Site Supervisor/Managers Code of Conduct

Site Supervisors at all levels play an important role in creating and maintaining an environment, which prevents workers misconduct. They need to support and promote the implementation of the Contractors Codes of Conduct and enforce Workers Codes of Conduct. Construction site supervisor must adhere to this Code of Conduct. This commits them to develop and support systems, which maintain a safe working environment. Construction Site Supervisor responsibilities include but are not limited to:

1. Where possible, ensure employment of local workforces especially where unskilled labour is required to mitigate social risks;
2. Ensure there is zero tolerance for child labour practices;
3. Promote gender inclusion at all levels;
4. Establish a workers' committee to oversee issues of workers' misconduct including GBV and VAC;
5. Ensure compliance to occupation health and safety requirements for all workers;
6. Ensure that workers dress code is adhered to appropriately;
7. Ensure that access to construction sites is restricted to authorized persons; hoarding is provided and that there is proper signage to the construction site(s);
8. Facilitate workers training and capacity building on social, environmental and health and safety;
9. Ensure that all workers are sensitized on HIV and AIDS issues, and provided with condoms and HTC services;
10. Ensure that fundamental workers' rights (e.g. working hours, minimum wages, etc.) are protected;
11. Ensure that possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during working hours should be strictly prohibited;
12. Ensure compliance to all legal requirements;
13. Supervisors failing to comply with such provision can be in turn subject to disciplinary measures including termination of employment; and
14. Ultimately, failure to effectively respond to some provisions of the code of conduct may provide grounds for legal actions by authorities.
15. Ensure that every employee under his/her supervision has been oriented on the Code of Conduct and has signed.

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to comply to all rules of this code of conduct. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action.

Signed by: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

**FOR THE EMPLOYER**

Signed by: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

**3.3 Workers Code of Conduct**

I, \_\_\_\_\_, acknowledge that preventing any misconduct as stipulated in this code of conduct, including gender-based violence (GBV), child abuse/exploitation (CAE) is important. Any activity, which constitute acts of gross misconduct is therefore grounds for sanctions, penalties or even termination of employment. All forms of misconduct are unacceptable be it on the work site, the work site surroundings, or at worker's camps. Prosecution of those who commit any such misconduct will be pursued as appropriate.

I agree that while working on this project, I will:

1. Consent to security background check;

2. Treat women, children (persons under the age of 18) and persons with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, birth or other status;
3. Not use language or behaviour towards men, women or children/learners that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
4. Not participate in sexual activity with children/learners—including grooming or through digital media. Mistaken belief regarding the age of a child and consent from the child is not a defence;
5. Not exchange money, employment, goods, or services for sex, with community members including sexual favours or other forms of humiliating, degrading or exploitative behaviour;
6. Not have sexual interactions with members of the communities surrounding the workplace, worker’s camps and fellow workers that are not agreed to with full consent by all parties involved in the sexual act (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex - such sexual activity is considered “nonconsensual” within the scope of this Code;
7. Attend trainings related to HIV and AIDS, GBV, CAE, occupational health and any other relevant courses on safety as requested by my employer;
8. Report to the relevant committee any situation where I may have concerns or suspicions regarding acts of misconduct by a fellow worker, whether in my company or not, or any breaches of this code of conduct provided it is done in good faith;
9. With regard to children (under the age of 18):
  - Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.
  - Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
  - Refrain from physical punishment or discipline of children.
  - Refrain from hiring children for domestic or other labour, which is inappropriate given their age, or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
  - Comply with all relevant local legislation, including labour laws in relation to child labour.
10. Refrain from any form of theft for assets and facilities including from surrounding communities.
11. Remain in the designated working area during working hours;
12. Refrain from possession of alcohol and illegal drugs and other controlled substances in the workplace and being under the influence of these substances on the job and during working hours;
13. Wear mandatory PPE at all times during work;
14. Follow prescribed environmental occupation health and safety standards;
15. Channel grievances through the established grievance redress mechanism.

I understand that the onus is on me to use common sense and avoid actions or behaviours that could be construed as misconduct or breach this code of conduct.

I acknowledge that I have read and understand this Code of Conduct, and the implications have been explained with regard to sanctions on-going employment should I not comply.

Signed by: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FOR THE EMPLOYER

Signed by: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## ANNEX 4: Sample Health Training and Environment Plan

S/N	Training Title	Description	Timing	Who to Deliver the Training
1	Sensitization on the HSE Manual	To train all workers on all the provisions in the HSE Manual and the company's HSE Policy (use local language as necessary) including the right use of PPEs	Upon mobilization of every worker to site	HSE Expert
			Refresher on a monthly basis	Contractor HSE Officer
2	First Aid Administration/ Use of First Aid Box	To train selected officers (Contractor HSE Officer, Site Manager, Yard Manager, Team leaders, Female workers representative) on the right first aid administration for different scenarios including demonstrations	Upon mobilization to site and after every 6 months	Public Health Expert/ First Aid Care Giver
3	Protocol for a construction site, staging areas, borrow pits, and campsite	To ensure all workers understand the protocol to adopt at the construction site, staging areas, borrow pits, and campsite	Upon mobilization to site  Refresher every 3 months	Site Manager
4	General Training on-site work	Right procedures for: manual handling, electrical safety, emergency procedures, work at height, confined spaces, underground construction, cofferdams, etc.	Upon mobilization to site Refresher every 2 months	Site Manager/ Project Manager/ Engineer/ HSE Officer
5	Daily HSE Pep Talks	To provide daily reminders on safety precautions and acceptable environmental and social protection including do's and don'ts for all workers	Daily	Contractor HSE Officer
6	Community Health and Safety Training	To train all workers and project management on: <ul style="list-style-type: none"> <li>Sexual Exploitation and Abuse/ Gender-Based Violence Training</li> <li>Code of Conduct Training</li> <li>Sensitization on STDs/STIs</li> <li>Grievance Redress Mechanism</li> </ul>	Upon mobilization of every worker to site  Refresher every 3 months	Social Safeguard Specialist
7	Drivers Training	To train all project drivers on safety and acceptable conduct	Upon employment Daily Monitoring Monthly Refresher	FRSC Expert in conjunction with project manager



## ANNEX 5: Data Collection Form for the LMP

	Questions	Responses
<b>The State Project Implementation Unit</b>		
1.	What are the labour requirements of the Project; an estimate of the number of workers and their characteristics / types. (Direct and Contracted workers, community and Primary suppliers)	
2.	Are there specific policies and procedures in place to guide employment and onboarding of workers?	
3.	How is women inclusion effected in the projects?	
4.	What measures are taken to ensure fair and non-discriminatory practices among workers?	
5.	How often are trainings and capacity building of workers conducted, especially in OHS, GBV Risk and sensitization, preventing marginalization of vulnerable groups.	
6.	Is there a system in place for monitoring the performance of workers?	
7.	How are contractors selected and what criteria are in place to ensure compliance with OHS standards and good labour working condition.	
8.	How does the project ensure that no child labour is employed, and no forced labour is used in any part of the sub projects and supply chain especially among contractors' workers? What mechanisms are in place to monitor and address any instances of child or forced labour?	
9.	Are there specific issues in the existing labour management process in the project, that need to be addressed?	
<b>Federal Ministry of Environment</b>		
10.	What are the existing national and state-level policies and requirements on OHS and workers safety in EIA, Guidelines on construction sector projects regarding workers and LMP disclosure?	
<b>Ministry of Labour and Employment</b>		
11.	What are the Labour laws and policies available in the state?	
12.	Is there an existing Guidelines on rights of workers particularly in the construction sector?	
13.	How do you currently ensure compliance with labour laws and regulations especially among workers in development projects?	
<b>Local Government Authorities</b>		
14.	Are there any existing local labour laws that govern employment practices?	
15.	How does the local community typically engage with project teams regarding labour-related matters?	
16.	Are there any specific requirements or standards that must be adhered to for implementation of projects within your jurisdiction?	
17.	How does the LGA collaborate with project teams to ensure effective monitoring throughout the project lifecycle?	
18.	Are there any customary or cultural practices related to employment that should be taken into account?	
<b>Project Community and Identified Workers Association</b>		
19.	Has there been any labour related issues among workers in the community especially during implementation of development projects, and how are the issues handled.	
20.	Any cultural values influencing labour practices in the community, especially women inclusion, vulnerable groups.	
21.	How are disputes or conflicts related to labour typically resolved within the community? Is there an existing community Grievance mechanism in place / conflict resolution procedures?	
22.	What are the common expectations of the community with regards to employment during project implementations?	