

## **Harmonizing and Improving Statistics in West and Central Africa Project-Series of Projects One (HISWACA-SOP1) (P178497)**

### **Umbrella-Labor Management Procedures Framework (U-LMPF)**

#### **Covering SOP1 countries and regional institutions:**

Republic of Benin, Republic of Guinea, Republic of Niger, Republic of Guinea-Bissau, Republic of Senegal, Republic of Mali, Islamic Republic of Mauritania, Republic of The Gambia, African Union (AU), Economic Community of West African States (ECOWAS), West African Economic and Monetary Union (WAEMU)

**Revised**

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## 1.0 INTRODUCTION

This umbrella-Labor Management Procedures Framework (U-LMPF) is intended to address the specific labor related risks and impacts that are anticipated to occur because of the implementation of the Harmonizing and Improving Statistics in West and Central Africa (HISWACA) project. The LMP sets out a formal system by which the Project Implementation Units (PIUs) in the beneficiary countries and regional implementing Units (RIUs) and project contractors will manage and implement mitigation measures to avoid or reduce impacts on workers. Labor Management Procedures (LMP) include the policies, rules, regulations, procedures and competencies which govern and regulate the workforce including skilled, semi-skilled and unskilled workers in an agency or organization. The general expectation is that the respective organization should have in place systems designed to best ensure workers are able to safely participate in employment.

### 1.1 Purpose and Objectives of the Umbrella LMP Framework

The U-LMPF will facilitate the planning and implementation of the project's activities in relation to its labor force, including identification of labor requirements and risks, and impacts and the required resources to address them. It will enable different project-related parties including staff of the PIUs, RIUs, contractors and sub-contractors, and project workers, to have a clear understanding of what is required on a specific labor issue.

The objectives of the LMP include to:

- i. To promote fair treatment, non-discrimination, and equal opportunity of project workers.
- ii. Ensure the protection of project workers, including vulnerable workers such as women, persons with disabilities and migrant workers, contracted workers, and primary supply workers, as appropriate.
- iii. Provide a system for preventing the use of all forms of forced labor
- iv. Address child labor, and prevent worst forms of child labor
- v. Promote the principles of freedom of association and collective bargaining of project workers in a manner consistent with national labor laws, policies, regulations and the ESS2
- vi. Promote occupational, health and safety at sub-project sites
- vii. Provide a Grievance Mechanism (GM) for project workers to raise their concerns

The LMP is in line with national requirements of the eight countries where the sub-project activities will be implemented, as well as the objectives of the World Bank's Environmental and Social Framework (ESF), specifically the objectives of the Bank's Environmental and Social Standards (ESS). The key ESF environmental and social standards applicable by the LMP include the Labor and Working Conditions (ESS2) and Community Health and Safety (ESS4).

- **ESS2 Labor and Working Conditions:** This Standard obliges the Borrower (NBI) to develop and implement written labor management procedures (LMP) applicable to the Project. The LMP will set out the way in which project workers will be managed, in accordance with the requirements of the national laws of the country where the Project activities will be implemented and the provisions of ESS2, and where relevant, ESS4.
- **ESS4 Environment and Social Framework on Community Health and Safety:** The Standard puts emphasis on community exposure to risks and impacts of the project and includes road safety risks, as well as addressing water-related, communicable, and non-communicable diseases that can result from projects activities and have impact on project labor as well as the community.

This umbrella LMP Framework applies for the entire project and contains sections relating to the labor laws of each of the countries where the project will be implemented. This U-LMPF will assist in the preparation of country and regional institution specific LMPs to be completed before hiring project workers during implementation. This U-LMPF includes applicable information common to the project in each country as well as detailed information on each country's policy and legal frameworks in relation to labor and working conditions.

## 1.4 Scope of the U-LMPF

The U-LMPF applies to project workers including full-time, part-time, temporary, migrant workers<sup>1</sup>, and where applicable, to workers of primary suppliers<sup>2</sup>, etc. The LMP will cover issues on occupational health and safety (OHS), gender-based violence (GBV) including sexual exploitation or abuse / sexual harassment (SEA/SH) labor influx, labor grievance mechanisms, security personnel, discrimination against workers, forced labor, code of conduct etc. on the HISWACA activities in the eight beneficiary countries and at the three regional bodies (AU, WAEMU, and ECOWAS).

To promote good labor practices and to align with the Bank's social and environmental requirements under ESS2, the LMPF considers the legal and regulatory requirements of all 11 participating clients. From the local legal framework, this U-LMPF relies heavily on the respective countries' national Constitutions, the respective employment and labor laws and policies, and the accompanying regulations for the safeguard of worker's management and rights. The details of each country/RIU policies and legal framework in relation to labor and working conditions are found Chapter 4.

All implementing Agencies will require contractors to have a Grievance Mechanism (GM) for their workforce including the sub-contractors to address workplace concerns. Each GM will not prevent workers from using the dispute and judicial procedures provided in the national laws of the respective country. Each LMP will be implemented by each respective PIU/RIU. As the beneficiary specific LMP is a living document, it will be updated throughout implementation of the Project as warranted.

Depending on the public health circumstances, the project will ensure compliance with national laws, policies and protocol requirements as well as World Health Organization and World Bank guidance<sup>[1]</sup> regarding the COVID-19 situation in relation to stakeholder consultations, labor management, project worksites and related areas.<sup>3</sup>

## 2.0 DESCRIPTION OF THE PROJECT

HISWACA-SOP1 aims to improve the statistical performance, harmonization, and data access and use of participating countries and regional bodies in West Africa (AFW) and to support the modernization of their statistical systems. The components of the project are as follows:

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<sup>1</sup> A "migrant worker" is a person who either migrates within their home country or outside it to pursue work.

<sup>2</sup> Primary suppliers "are those suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project."

<sup>3</sup> For example, see World Bank Technical Note: Public Consultations and Stakeholder Engagement in WB supported operations when there are constraints on conducting public meetings March 20, 2020

## Component 1: Harmonization and Production of Core statistics Using Harmonized Methodologies

The first component is to produce harmonized tools (classifications, methodologies, etc.) at the continental and sub-regional levels and support the production of core statistics using the previous harmonized tools. Activities under this component aim to improve pillars 4 (data sources) and 5 (data infrastructure) of the Statistical Performance Index (SPI), where participating countries in regions are doing poorly in terms of statistical performance. Indeed, while harmonization will help the adoption of international standards, the production of a core set of economic, social and demographic statistics is needed to meet users' demand for statistics. Activities implemented through this component will also be instrumental to ensuring performance of the National Statistical Systems (NSSs) regarding the availability of indicators required to monitor most of the Sustainable Development Goals (SDGs) (pillar 3 of the SPI). It comprises the following:

- a) **Subcomponent 1.1:** Improved data comparability through harmonization at the regional and sub-regional levels:
  - support AU in monitoring the second Strategy for the Harmonization of Statistics in Africa (SHaSA2) initiative
  - design and the adoption of harmonized standards in national accounts, Consumer Price Index (CPI), and household surveys
- b) **Sub-component 1.2.** Support demographic and socio-economic statistics. The activities will include:
  - The implementation of a core set of social statistics, including population censuses
  - The implementation of household surveys in each country
  - Support all countries in the implementation of Demographic Health
  - Survey/Multiple Indicator Cluster Survey (DHS/MICS)
  - Supporting countries in building a system of labor statistics by financing labor force surveys
- c) **Subcomponent 1.3.** Enhance core economic statistics. The scope of economic statistics is wide; it involves enterprise statistics, national accounts, Consumer Price Index and other prices and production indices, external trade statistics, public finance statistics, etc. The proposed sets of activities will include:
  - Support to implement a coherent system of enterprise statistics (business registers, administrative data, censuses, and surveys) in participating countries
  - Support to improve the quality of government finance statistics
  - Support the modernization and rebasing of national accounts using international standards
  - Support to improve the CPI
- d) **Subcomponent 1.4.** Support agricultural and fishery statistics. The activities will include:
  - Support to implement an integrated system of agricultural sample censuses and surveys. The project will support the improvement of annual agriculture surveys and the design and implementation of livestock data collection in some countries; and
  - Support other data collection activities as necessary, including building a system of information in the fishing industry in Senegal and Mauritania and supporting all participating countries to advance in the collection and production of a set of core climate change statistics and indicators relevant to the country and the region.
- e) **Subcomponent 1.5.** Support sectoral and geospatial statistics from administrative sources. The project will:

- Support to improve administrative data for health and education as well as other sectors, depending on the situation in each country; and
- Support to strengthen capacities of the NSOs in the production of core statistics at the sub-national level.

## **Component 2. Supporting Statistical Modernization of Participating Countries' NSOs**

The second component supports statistical modernization, institutional reforms, improve data access, dissemination, and use, and human resources development. This component aims to support NSOs of participating countries to prepare themselves in moving toward what the 2021 World Development Report (WDR) called an Integrated National Data System. It will also support institutional reforms. All the participating countries have a Statistics Act that underpins the collection, management, and dissemination of official statistics. These Statistics Acts align with the United Nations (UN) Fundamental Principles of Official Statistics and the African Charter on Statistics. In almost all these countries, the Statistics Acts provide for the NSO to be an autonomous agency of the Government with its own governing board, which raises the profile of statistics, enhances the integrity and credibility of official statistics in the eyes of the public. However, most of the Statistics Acts lack provisions for sustainable funding of statistical activities. In this regard, the key principles of institutional reforms to be supported are to finance technical assistance to participating countries seeking to update their Statistics Act to include provisions for sustainable funding of statistical activities. The component also supports data access and dissemination, harmonized time series at the continental and sub-regional levels and time series and micro-data at the national level. Doing so will therefore improve their performance regarding data services (pillar 2 of the SPI). This second component also invests in human capital, academic training in statistics, and on-the-job staff training, when skills need improvement. This will help address the shortage of statisticians with expertise and skills in specialized areas faced by countries in both regions, such as national accounts, agricultural statistics, household surveys, trade statistics, financial statistics, and price statistics. The following are sub-components:

- Subcomponent 2.1:** Support institutional reforms, improve data access, dissemination, and use, and human capital.
- Subcomponent 2.2:** Improved regional bodies' statistical advocacy, coordination, and data access and dissemination. This subcomponent is designed to enhance the capability of regional bodies in playing their critical role in statistical advocacy, coordination, and support to the dissemination of data at regional level.
- Subcomponent 2.3:** Supporting institutional reforms for better coordination of the NSSs and improving sustainable funding. This subcomponent focuses on country -level interventions that are designed to support respective NSSs for better coordination and sustainable financing of the NSS.
- Subcomponent 2.4:** Improving data access and dissemination at national levels. This subcomponent is designed to address this issue to boost access and usage of existing statistics. The project will support the implementation of an open data system for archiving and distributing long -time series at the national level.
- Subcomponent 2.5:** Enhance the use of data to inform public policies. The project will focus on a set of activities to improve data use. First, the project will help the NSSs (under the lead of the NSOs and the economic department) with the establishment of tools that can be used for analytical work to inform policy decisions such as Social Accounting Matrix (SAM), BOOST, economic models, etc., and collaborate with the 50x2030 Initiative to provide technical assistance in strengthening statistical capacities.

- f) **Subcomponent 2.6:** Periodic data user satisfaction surveys. The project will finance NSOs to undertake regular harmonized user satisfaction surveys to measure how statistical products or services supplied meet or surpass users' expectations.
- g) **Subcomponent 2.7:** Enhance human capital. The project will enhance human capital in two complementary dimensions. First, support will be provided to regional and country- level schools. Secondly, for those already working in the NSSs, on-the-job training will be provided to enhance the knowledge of those already working and expose them to new emerging techniques and tools.

### **Component 3: Support Physical Infrastructure upgrading and Modernization**

The NSOs in the participating countries are the leading official statistical agencies within the NSS in data production which means that government will play a critical role to enable value creation in the data produced. They are a key factor in the productivity of any NSS institution and its performance. For example, power shortages and low internet bandwidth can severely limit productivity. Similarly, data statistical software such as SPSS, STATA, etc. are basic data manipulation tools (process of organizing information to make it readable and understandable) and allow data sharing and accessibility of statistical production. In many countries, these tools are not readily available, and some staff use their own private resources for official business. This component aims to strengthen the capacity of NSOs and statistical schools with the equipment and tools needed to adequately fulfill their mandates. Under this component, the project will support the construction of a new building or rehabilitation of physical and Information and Communication Technology (ICT) infrastructure for NSOs and schools of statistics. Needs assessment will be conducted country-by-country with the NSO. For countries without a great structure, rebuilding will be the next step:

- a) **Subcomponent 3.1** Construction and Infrastructure Upgrading of selected National Statistical Offices (NSOs) and Regional Statistical Schools: Under this activity, the project will support the modernization of NSOs' physical infrastructure and statistical schools (in Mauritania, Niger and Senegal) by building or upgrading office complexes with modern facilities and providing needed office furniture and equipment for the entire statistical cycle from production through dissemination. Availability of requisite infrastructure is critical for the smooth functioning of the NSS and timely delivery of key statistical activities by NSOs. In some of the participating countries (notably Fragility, conflict, and violence (FCVs), the impact of such reforms is even expected to be larger given the current state of their statistical infrastructure. In these countries, the low priority on statistical activities is another obstacle to much needed statistical output for evidence-based policy making. As such, the project provides critical resources to support the improvement of the statistical environment for the delivery of data to inform reforms. Construction and furnishing of new buildings will take place only in Senegal, Mauritania, and Niger. However, in The Gambia light renovation and upgrades will be financed such as the following: i) Repairing leakages and cracks in the walls, tiling of walls and floors of the GBoS building; ii) Repainting where necessary; iii) Repartitioning offices to create space for activities such as a data center.
- b) **Subcomponent 3.2:** Modernization of Information and Communications Technology (ICT) and Statistical Infrastructure of National Statistical Offices (NSOs) and Regional Statistical Schools. This component of the project will be implemented in all participating countries as well as regional Statistical schools, albeit at different levels. Activities include upgrading IT systems, improving access to and use of innovative tools such as statistical software (including tools to conduct geospatial analysis), and increasing access to innovative practices through subscriptions to scientific journals. These activities aim to strengthen the reforms in digitization of data production and dissemination and to provide centers of statistics with the necessary training equipment to



support the training of students and NSOs staff in CAPI and management of GIS. Ultimately, the NSS will be able to leverage economies of scale that come with increased digitalization through improved quality of data collection activities, and reduce time taken to provide statistical information available to end-users of the data.

#### **Component 4: Project Management, Monitoring, and Evaluation**

The goal of this component is to support the project's management and monitoring/evaluation. This component will also support regular user satisfaction surveys to measure how well the statistical products or services produced meet or exceed user expectations. Indeed, data users are the customers of statistical systems and are clearly the most important component of the NSS. Data are generated because there is demand from the users. In addition, some data users are responsible for providing resources. Therefore, it is important that users are satisfied with the scope, quality and timeliness of the data produced. Therefore, the result of these studies serves as a basis for continuous improvement and a more responsive NSS for end users.

## 3.0 OVERVIEW OF LABOR USE IN THE PROJECT

### 3.1 Project Activities Requiring Labor Use

The following types of workers are expected to be engaged in the project:

- a. **Direct workers** include the staff of the implementing agencies (staff at NSOs in country, AU, ECOWAS, WAEMU) who will work on the project for the duration of the project preparation and implementation.
- b. **Contracted workers** who will be working during the construction and rehabilitation activities under component 3 and the field enumerators, supervisors, data analysts, to be engaged during the censuses and surveys under components 2 and 3. These will include Consultants and contractors who will provide technical services as may be required from time to time by the implementing agencies to provide technical assessments or studies, and other related technical work when necessary (under components 1, 2, 4)
- a. **Primary Supply Workers** are suppliers who, on an ongoing basis, provide goods or materials directly to the Project (relevant for component 3)
- b. **Technical advisers/government civil servants** who are mainly government civil servants in their respective countries on secondment from their home agencies to the project working in the PIUs/RIUs
- c. **Potential use of migrant workers/specialized workers outside the project area** because of the international and technical nature of the Project. The country specific PIUs will be responsible for ensuring that any employment/engagement of migrants for the project will conform to the provisions of ESS2 and the national laws of each country in which the migrant workers will be employed in relation to the Project.

The sub projects and activities that will be implemented under this project will not require the use of community workers as defined under ESS2. However, efforts will be made to hire qualified labor from the surrounding communities and localities during the implementation of civil and rehabilitation works, where possible. No work camps will be established as part of this project.

The following activities under Components 1, 2 and 3 of the HISWACA Project will require labor use:

Table 1: Project Activities Requiring Labor use

Component	Sub-Activities Requiring Labor use	Type of Labor
Component 1: Harmonization and Production of Core statistics Using Harmonized Methodologies	Subcomponent 1.1: Improved data comparability through harmonization at the regional and sub-regional levels	Enumerators Field Supervisors Data Entry Clerks Data
	Sub-component 1.2. Support demographic and socio-economic statistics.	Analysts Technical
	Subcomponent 1.4. Support agricultural and fishery statistics	specialists/consultants
Component 2: Supporting Statistical Modernization of	Subcomponent 2.6: Periodic data user satisfaction surveys.	Enumerators Field Supervisors Data Entry Clerks Data Analysts

Participating Countries' NSOs		Technical specialists/consultants
Component 3: Support Physical Infrastructure Modernization	Subcomponent 3.1: support to build and rehabilitate physical infrastructure for NSOs and statistical schools	Contractors Construction workers/laborers, Primary suppliers

### 3.2 Number of Project workers

The total number of project workers by category cannot be estimated as the project is under preparation. However, each Beneficiary LMP will specify the estimated number of the workforce needed and will be updated as required. The project activities pertaining to the roll out of national censuses and surveys as well as the construction and or rehabilitation of the offices of the National Statistics envisaged the use of moderate to large number<sup>4</sup> of construction workers and field enumerators. The respective PIUs and RIUs are therefore required to provide these numbers as part of regular monitoring and updates to the World Bank.

### 3.3 Characteristics of Project workers

The Project will recruit and manage project personnel in full compliance with the respective Acts, Regulations and Guidelines of each country in which the project (including its sub-projects) will operate; as well as the World Bank's Environmental and Social Standard on Labor and Working Conditions (ESS2). The anticipated characteristics of workers for the Project can be categorized into the following two levels of expertise:

- Skilled labor – technical personnel with advanced specialist training e.g., consulting professionals, project administrators, construction labor requiring skilled labor, etc.
- Semi-skilled labor – ancillary staff with relevant vocational training e.g., construction laborers, enumerators, drivers etc.

The Project will ensure that national workers are given priority in terms of employment. To ensure priority for employment is given to national workers, PIUs will ensure the following conditions are adhered to:

- i. Advertisements for vacant positions to be filled at the national scale shall be done on national platforms such as daily newspapers and respective Ministry websites.
- ii. The national applicants shall be considered for employment where required skills are locally available.
- iii. Semi-skilled labor shall be reserved for nationals of the respective countries e.g., enumerators, construction workers, drivers, equipment technicians, etc.

International workers will be employed where skills are not available among nationals. Members of vulnerable groups (including women, and persons with disabilities, and persons from other disadvantaged/marginalized groups) will be given priority where possible. PIU and RIU will ensure that employment/engagement of anyone under 18 years of age in relation to the project as a direct hire or as worker engaged/employed through contractors/subcontractors or primary suppliers is prohibited.

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<sup>4</sup> At the time of writing, it was unknown how many workers would be needed. Numbers quoted by task team leaders ranged from 30-70 workers.

### 3.3.1 Direct Workers

The project will work with the country specific PIUs and RIUs and staff of the implementing agencies (staff at NSOs in country, AU, ECOWAS, WAEMU). The Project will employ consultants, technical project advisors and support staff working on contractual basis as part of project implementation. Terms and conditions of these consultants will be guided by this U-LMPF and other relevant project documents which must be consistent with the provisions of ESS2 and ESS4 and all other relevant provisions of the World Bank ESF, and in adherence to the various national labor legislation and policies of each country.

### 3.3.3 Consultants/Contracted

Consultants will be engaged by the Project to undertake different types of short period assignments including to provide additional capacity as required including provision of technical assessments or studies. For the purposes of ESS2, the short-term consultants will be categorized as direct workers and engaged directly by the PIUs and RIUs in accordance with ESS2 and relevant national labor laws. In addition, short term consultants will be engaged to provide specific technical expertise or to undertake specialized assessments such as development of strategic tools for data collection and analyses etc. The consultants will be guided by specific contractual agreements between them and the PIUs and RIUs following the county-specific national labor legislations and regulations. In addition, contractors will be hired for those countries with construction activities. The main activity that shall be undertaken by the contracted workers is the construction and rehabilitation of offices of the NSOs and the national censuses and surveys under Component 3. The terms and conditions of these contracts will adhere to the national labor legislations and regulations of each sub-project country and be guided by the provisions of ESS2 in relation to contracted workers. It should also be consistent with the contractor management procedures.

### 3.3.4 Primary Supply Workers

These are workers who supply, on an ongoing basis, provide goods or materials directly to the Project (relevant for component 3).

### 3.3.5 Migrant Workers

The project envisages to use migrant workers . The PIUs and RIUs will ensure that the Project gives priority to local/national workers based on the local content laws and principles. However, there is the need to recruit migrant workers, the PIUs and RIUs will ensure it is done in line with the provisions of ESS2 and national laws.

### 3.3.6 Technical Advisors/Government Workers

In line with ESS2, paragraph 8, it is anticipated civil servants working for their respective governments will be required to work for the Project from time to time, whether full time or part time, mainly the areas of generating statistics or coordinating the process of data generation and harmonization. Such government staff will work under the terms and conditions of their existing public sector employment subject to the work engagement agreement with the PIUs and RIUs or the respective Project implementing agency.

## 4.0 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The project anticipates moderate to substantial level of labor risks to be associated with the project activities. Direct workers and contracted workers involved in field-based work will experience low to medium level of labor risks since most of the field-based work will be for a limited number of days. Depending on the nature and scale of the construction and rehabilitation activities under component 2, use of labor could range from small to very large number (30-70).

The following sections discuss the various labor risks project activities could engender.

### 4.1 Gender-Based Violence and Sexual Exploitation and Abuse or Harassment

Gender Based Violence (GBV) including Sexual Exploitation and Abuse as well as Sexual Harassment (SEA/SH) occurs in unacceptable proportions in the participating countries as part of wider context of discrimination and marginalization of females in the wider socio-economic life. The drivers of this phenomenon are deep-seated socio-cultural norms, lower employment opportunities and educational attainment of women and girls, civil conflict, multidimensional poverty, and a general lack of support service for survivors, among others. These factors, apart from exacerbating GBV in the participating countries, a lack of reporting and culture of silence and acceptance of GBV (including intimate partner violence) that can adversely affect case reporting and management, especially, cases involving rape, sexual harassment, sexual exploitation and intimate partner violence. The GBV country profiles presented in Table 2 and discussion provides data on GBV indicators in each participating country, amidst the paucity of data on the subject in most of the participating countries.

Table 2: Proxy GBV Indicators in Participating Countries (HISWACA- SOP 1)

Countries	GII Score	GII Rank (out 170 Countries)	Literacy Rate Male- 15+ Years)	Literacy Rate (Female - 15+ years)	Percentage of Female 15 + FGI	Child Marriage (Marriage before Age 17 years)
Niger	0.611	153	52.4	26.6	2	76.6
Benin	0.602	152	54	31.1	9.2	
Guinea	0.621	157	54.4	32.6	94.5	46.1
Guinea Bissau	0.627	159	67	30.8	52.1	25.6
Mali	0.613	155	40.4	22.1	88.6	52.1
Mauritania	0.632	161	43.3	63.7	66.6	39.0
Senegal	0.531	131	64.8	39.8	25.2	33.3
The Gambia	0.611	153	61.8	41.6	72.6	257

Generally, the participating countries lag in terms of gender equality and women empowerment as well as other indicators such as child marriages and female genital mutilation(FGM). The participating countries fall within the poor performers on the Gender Inequality Index. Senegal, the best performer among the lot ranked as low as 131 on the 170-country league table in 2021. A country-by-country discussion on the drivers of this phenomenon and government efforts to curb the situation follows in the next sections.

HISWACA- SOP1 activities include National census, Demographic Health Survey/Multiple Indicator Cluster Survey (DHS/MICS), labor, business, and household surveys (subcomponent 1.2) and implementation of user satisfaction surveys (subcomponent 1.4). In addition, the project involves building and/or

rehabilitating physical infrastructure for NSOs and statistical schools including provision of modern facilities, needed office furniture and equipment for the entire statistical cycle from production through to dissemination (subcomponent 3.1). Implementing these project activities and sub projects GBV risks for all those involved in the above activities. SEA/SH risks were screened and determined during preparation to be low for the three regional institutions (ECOWAS, STATAFRIC, WAEMU), moderate for Benin, Gambia, Guinea, Guinea-Bissau and Senegal and substantial for Mali, Mauritania and Niger.

Cases of sexual exploitation within worksites, offices and during data collection may present itself in the project activities. Women who seek employment in all employment categories may also face sexual harassment including demands for sexual favors before being employed and during the period of their employment in relation to the project. Male workers may also face sexual harassment. While the construction and rehabilitation activities under component 3 will not involve labor influx of labor, which could potentially increase the risk of GBV and SEA/SH in labor camps communities particularly towards the most vulnerable women and girls, the laborers could still face incidents of SEA/SH and demands for sexual favors. It is anticipated that men will probably constitute most of the data enumerators, data analysts, semi-skilled and skilled labor force for this project. The long stays and travel away from their families for data collection could increase project workers' propensity to fraternize with women and young girls, hence increasing sexual exploitation, abuse and harassment. Additionally, because of economic destitution, underage girls and women might end up engaging in sexual relations against their will with project workers involved in data collection. Therefore, the project will need to take concrete measures to avoid, minimize, and mitigate these risks and their impacts. Proposed mitigation measures is included in the umbrella-Environmental and Social Management Framework (U-ESMF) and will be included in the country specific Environmental and Social Management Plans (ESMP) as part of the SEA/SH Prevention and Response Action Plan.

**To address SEA/SH risks, the country specific PIUs will put in place:**

- Site specific ESMP for rehabilitation/upgrading will include mitigation measures for SEA/SH
- Project contractors shall be required to strictly implement the SEA/SH-related measures and accountability framework spelt out in site specific ESMPs
- Project contractors shall ensure adequate costing and funding for the implementation of SEA/SH-related measures
- A transparent, participatory, accessible, and tiered grievance system will be established in each participating country, PIU and RIU. It shall consist of clearly structured and well-advertised uptake points for reporting cases of SEA/SH including referral to the nearest GBV Service Providers, offering at minimum medical, psychosocial, and legal assistance to site workers and community members
- Contractual clauses making it mandatory for all workers and staff to attend SEA/SH sensitization seminars, cooperate with investigative agencies, and comply with laws on non-discrimination and GBV/SEA/SH will be inserted in Works Contracts
- Mandatory induction/orientation for all contractors and workers before commencements of work
- Continuous monitoring and supervision for alignment with the World Bank's Environmental and Social Standards (ESS)
- Work closely with relevant National institutions such as Ministries, Departments and Agencies to play an oversight role on issues related to SEA/SH on the project
- Employees of Project Consultants, Contractors and subcontractors will be made to sign a Code of Conduct (CoC) (see Annex 1)

## 4.2 Child Labor

Child labor, including worst forms of child labor, is a problem in each of the countries where the project will be implemented. Even though child labor is not expected to occur in the recruitment of director workers and consultants, there is the risks of its occurrence among workers of contractors in construction activities. The probability of child labor in data collection and analysis is low but cannot be entirely ruled out. Generally, each PIU and RIU will ensure that persons under 18 years of age are not engaged by the project. The country specific PIUs and RIUs will work closely with contractors to ensure certification of laborers' age to be a minimum of 18 years at the time of recruitment for work for the project, and removal of all persons under the age of 18 years (using National Identification Card, Birth Certificate or affidavit of birth) from employment in relation to the project. The project will require the contractors, subcontractors and primary suppliers of equipment and machinery for data processing, where appropriate, to present/develop child labor policies for approval by the PIU and RIU.

The PIU and RIU is responsible for developing and ensuring that all project contractors and primary suppliers implement a "No child labor" policy; sensitize each worker in a language that is understandable on child protection CoC and shall abide by this code. The PIU and RIU will require that contractors cooperate and collaborate actively with relevant child protection authorities in the respective countries to ensure that child protection issues and any breach are expeditiously investigated as guided by the relevant national laws.

If a person under the minimum age of 18 years is discovered working in relation to the project, the PIU, RIU and other implementing agencies for the project will take measures to terminate the employment or engagement of that person in a responsible manner, considering the best interest of that person.

To ensure that the best interests of the child under 18 years are considered, the PIUs, RIUs and other implementing agencies for the project will undertake, and ensure that all contractors, sub-contractors and primary suppliers also undertake, remediation within a reasonable time period agreeable to the World Bank. The remediation activities could include, among other options:

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

## 4.3 Forced labor, including trafficking in persons for labor

The risk of forced employment of laborers especially of local laborers, including community workers, is a potential project risk that may be experienced across the project countries especially in component 3 related project activities. Forced labor, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty, will not be used in connection with the Project. This covers any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor-contracting arrangements. Trafficking in persons is defined as the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. In particular, women and children are vulnerable to trafficking practices.

The PIUs in the various countries, RIUs and other implementing agencies for the project will be responsible for ensuring that no forced labor, including the use of prison labor, or labor resulting from the trafficking of persons, whether in relation to direct project workers or workers engaged through contractors, subcontractors or primary suppliers, will be employed/engaged in connection with the project. Hence, the PIUs and RIUs will work closely with contractors to keep and maintain records of the recruitment circumstances as well as the written employment contracts of all project workers, including direct hires, as well as persons engaged through contractors, subcontractors and primary suppliers. There shall also be periodic inspections by the PIU, RIU and the World Bank through Implementation Support Missions, at least once every six months, of contractor, subcontractor and primary supplier employment records to verify consistency and compliance with the law in relation to recruitment of workers and provision to all workers of a written signed employment contract.

If forced labor or persons who are engaged in the project as a result of trafficking are identified, the respective PIUs, RIUs and the other implementing agencies for the project will act promptly to address the issue, including referring the matter without delay to the relevant government authorities of the country where the problem is identified, as well as relevant government or NGO trafficking victims'/forced labor victims' support services, as appropriate, to be addressed in accordance with the laws of the country where the incident has occurred. Also, to address the risk of forced labor or persons trafficked to work for primary suppliers the PIU and other project implementing agencies will undertake due diligence to identify possible suppliers and the extent to which these risks might be present in their activities for the project.

Where forced labor is identified in relation to a primary supplier, the respective PIU and RIU shall work closely with the primary supplier to report the situation to the police and other relevant government authorities. Depending on the circumstances, the PIU, RIU and other implementing agencies for the project will discontinue use of that primary supplier and instead use primary suppliers that can demonstrate they are meeting the relevant requirements of the national laws of the respective country relating to forced labor and the trafficking of persons. The risk of forced labor will be mitigated through raising awareness, carrying out due diligence and enforcing a strict code of conduct in the project-affected communities. This code of conduct will be signed by the contractor and those supplying labor. The PIU will be responsible for putting in place measures and for monitoring on a regular basis that the voluntary consent of the worker exists throughout the entire duration of the person's employment/engagement in relation to the Project. The Project will ensure that workers have the right to freely revoke consent at any time. In particular, all information pertaining to the terms of service will be furnished to the worker and interpreted for them for their understanding in the language they understand best. The PIU will be responsible for carrying out due diligence and assessing the recruitment processes used by contractors in relation to all workers performing community labor in relation to the Project to ensure that community workers are providing work in a manner that is free and voluntary in conformance with ESS2 and the applicable national laws.

The PIU, RIU and other implementing agencies will ensure that contractors/subcontractors/ contracted firms will implement Hiring Procedures clearly indicating: (i) locations of recruitment of workers where the projects are to be implemented; (ii) guidelines to ensure that most of the workers are recruited within the project host communities; and (iii) codes of conduct for relevant agencies' personnel.

#### 4.4 Lack of employer compliance with national labor laws



Likelihood of non-compliance of labor laws by the employer may arise from labor wages/rates and delays of payment; disagreement over working conditions (particularly overtime payments and adequate rest breaks); provision of personal protective devices (PPEs); limited employment opportunities; and health and safety concerns in the work environment including during data collection. Further, there is a risk that employers may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, or any grievances raised, and such situations could lead to labor unrest and stoppage of work.

The Project will be implemented by total adherence to the employment and labor legislations and policies of each respective country as outlined in this LMP. The GM prepared for this Project will also provide a platform for reporting and handling worker grievances to ensure PIUs, RIUs and contractors comply to the employment and labor laws in their respective countries.

To address the risks of employer non-compliance with national labor laws, the PIUs and RIUs together with project contractors and implementing partners shall:

- Provide all project workers with information and documentation that is clear and understandable to the worker regarding their terms and conditions of employment. This information and documentation will set out the worker's rights under national labor and employment laws, including: Rights related to hours of work, wages, overtime, compensation, and benefits, as well as any related provisions required under ESS2.
- Pay project workers on a regular basis as required under national law or specified in the terms of engagement.
- Ensure that deductions from payment of wages are made only as allowed by national law.
- Provide workers with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law of the country where the project activity is being implemented
- Provide project workers with written notice of termination of employment and details of severance payments in a timely manner.
- Ensure full implementation of the national employment laws of the country where the project activity is being implemented in relation to recruitment and employment of project workers.

The PIUs, RIUs and other implementing agencies for the project will be responsible for ensuring that contractors, subcontractors and primary suppliers comply with all the above requirements.

#### 4.5 Discrimination against women, ethnic minorities, persons with disabilities, and sexual and gender minorities in recruitment and employment

The potential areas of discrimination include inappropriate treatment or harassment of project workers related, for example, to gender, age, disability, sexual and gender minorities, ethnicity, or religion; potential exclusion or preferences with respect to recruitment, hiring, termination of employment, working conditions, or terms of employment made on the basis of personal characteristics unrelated to inherent work requirements; in training and development provision.

In this project no discrimination will be acceptable as per the respective countries employment and labor laws and policies and in accordance with the U-LMPF, and ESS2, which support equal opportunities for women and men, and persons with disabilities, with emphasis on equal criteria for selection, remuneration, and promotion, and equal application of those criteria. Recruitment shall also endeavor to

promote the recruitment of women so as to reduce the chance for discrimination based on gender. Measures to prevent harassment of project workers, including sexual harassment, in the workplace will be addressed with SEA/SH Prevention and Response Action Plan that will be prepared by all participating countries during implementation as SEA/SH risk for each country has been rated moderate or above.<sup>5</sup>

The project shall pursue inclusive and non-discriminatory recruitment and employment policies and procedures in relation to all project workers. The PIUs and RIUs shall ensure that there will be no discrimination in recruitment or employment relating to project workers based on any personal characteristics unrelated to inherent work requirements. Such personal characteristics include, but are not limited to, gender, age, race, color, disability (including albinism), marital status, pregnancy or maternity status, social origin, language, gender identification, religion, sexual orientation, real or perceived HIV/AIDs status, and ethnic origin. The non-discrimination policy be applied and adhered to by project contractors and subcontractors, as well as primary suppliers, and monitored by each PIU/RIU.

#### 4.6 Labor influx into local communities

Although there may be movement of people in search for employment, this is expected to be minimal due to the nature and scale of the envisioned sub-projects. Where the required skill is not available locally, advertisements and recruitment of workers will be held at county/district and regional headquarters of the respective regions to reduce the risks of labor influx.

Contractors or contracted firms will be required to have in place Hiring Procedures clearly indicating: (i) how advertisement of vacancies will be done; (ii) locations of recruitment of workers within the administrative areas where the projects are to be implemented; (iii) guidelines to ensure that most of the workers are recruited within the project host communities; (iv) codes of conduct for the human resources personnel; and (v) mitigation measures to manage labor attracted by the project.

No labor influx is expected in this project for component 3 activities. While data enumerators will travel to different parts of the country, they are not expected to spend much time in any one location. They will mostly be moving from one location to the other and maximum stay in any one place is expected to be not more than 2-3 days. To the extent possible, data enumerators will be hired from local areas and female enumerators will be included in the teams.

#### 4.7 Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome (HIV/AIDS)

There exists the risk of spread of HIV/AIDS due to social interactions among project workers and between project workers and community from where data is being collected. Risky sexual behavior and engagement in illicit sex by both genders is real project risk. To counter the risk of spreading HIV/AIDS, the PIU and RIU will develop, before project implementation begins, an HIV/AIDS strategy or policy consistent with ESS2 and ESS4 that shall spell out sensitization and awareness creation strategies for contractors and other employees. The PIU, RIU and other implementing agencies for the project will be responsible for conducting regular HIV/AIDs awareness trainings/consultations with project-affected local communities and with all project workers, including workers engaged/employed through contractors/sub-contractors and primary suppliers, and community workers.

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<sup>5</sup> A SEA/SH Prevention and Response Plan is not required for the three regional institutions as the SEA/SH risk was rated low.

#### 4.8 Corona Virus Disease 2019 (COVID-19)

The COVID-19 pandemic is still not over and requires to be closely monitored and managed to avoid its spread among project workers. Human interaction will take place during executing field activities including meetings and construction.

To address the risk of spread of COVID-19, the PIUs and RIUs and other implementing agencies for the project will be responsible for ensuring that the Project undertakes concrete mitigation including the provision of the required PPEs and vaccination driver for all project workers who have not yet taken the COVID-19 vaccine.

#### 4.9 Occupational Health and Safety (OHS) risks

Risks associated with OHS as stipulated in ESS2 are aimed at protecting project workers from injury, illness, or impacts associated with exposure to hazards encountered in the workplace or while working. The OHS measures considers the General Environmental Health and Safety Guidelines (EHSGs) and other Good International Industry Practice (GIIP). The construction, rehabilitation or refurbishment of the offices of the NSO and other activities under component 3 are expected to require some construction and related physical works that will likely result in OHS risks and hazards. These works pose OHS hazards that may result in accidents or injuries including burns, cuts, slips and falls resulting from poor housekeeping and signage on site, installation and operation of equipment. Other causes of work-related accidents are failure to adhere to equipment manufacturers' specifications and the use of Personal Protective Equipment (PPEs). The mitigation measures for the identified risks will be prepared by PIU and RIU as per ESS2 and incorporated into the Project's ESMP as well as the Contractor ESMP.

Those working in the field for data collection such as enumerators, supervisors, drivers and others could be exposed to risks related to accidents, security threats such a kidnapping, assault, physical hazards, illnesses. Travel related risk will be mitigated by implementing guidelines on driving specifying speed, conditions of vehicles, first aid box in vehicles, protocols for safety checks on vehicles, driver training, etc. Safety and security of workers will be mitigated by conducting security assessments by PIUs and RIUs and security management plan will be developed for higher risk countries (likely for Mauritania, Guinea Bissau, Niger, Benin and Mali). In addition, road moves and convoy security guidance will be implemented (see Annex 4), and in red zones, census/survey activities will not take place. These measures are further addressed in the umbrella-ESMF as well as the security risk assessments.

Table 1 below presents the mitigation measures that PIU and RIUs should undertake for addressing potential risks:

Potential Risks	Type of Worker likely to be affected	Magnitude of Risks	Mitigation Measure
Risk of Gender-based Violence and Sexual Exploitation and Abuse or Harassment	Project workers (skilled, semi-skilled and manual workers)	Substantial (for Mali, Niger and Mauritania), Moderate for all other countries, low for regional institutions	<ul style="list-style-type: none"> <li>• Site Specific ESMP for rehabilitation/upgrading will include mitigation measures for SEA/SH;</li> <li>• SEA/SH-related measures and accountability framework spelt out in site specific ESMPs;</li> <li>• Operationalize a transparent, participatory, accessible, and tiered grievance system;</li> <li>• Contractual Clauses making it mandatory for site workers to attend GBV/SEA/SH sensitization seminars,</li> <li>• Mandatory induction/orientation for all contractors and workers before commencements of work;</li> <li>• Continuous monitoring and supervision of the World's Bank ESS's (especially ESS4 and the Good Practice Note on Addressing SEA/SH in Civil Works);</li> <li>• Work closely with relevant National institutions such as Ministries, Departments and Agencies to play an oversight role on issues related to GBV and SEA/SH on the project;</li> <li>• Employees of Project Consultants, Contractors and subcontractors will be made to sign a Code of Conduct (CoC)-see Sample attached as Annex 2.</li> </ul>
Risk of Child Labor	Contractors and sub-contractors	Low	The PIU and RIU will require each contractor to develop and implement a "No child labor" policy, which will be acceptable to the PIU in relation to each country where the contractor is undertaking work for the project.
Risks of spreading HIV/AIDS, STI/STDs, and other communicable diseases	Project workers (skilled, semiskilled and manual workers)	Low	The PIU and RIU shall ensure regular HIV/AIDS awareness trainings for all project workers and host communities. Distribute condoms and other BCC materials on sites.

Forced labor, including trafficking in persons for labor	Project workers (semi-skilled and manual workers)	Low	Contractors will conduct awareness raising activities to sensitize communities on prohibition and negative impacts of forced labor and trafficking in persons for labor prior to recruitment and throughout the contract.
Lack of employer compliance with national labor laws	Project workers (skilled, semiskilled and manual workers)	Moderate	<ul style="list-style-type: none"> <li>• The PIUs and RIUs will ensure that the Project is implemented by total adherence to the employment and labor legislations and policies of each respective country</li> <li>• The PIUs, RIUs and contractors will ensure the GRM prepared for this Project as a platform for reporting and handling grievances to ensure compliance to employment and labor laws.</li> <li>• The PIUs, RIUs and other implementing agencies will provide all project workers with information and documentation that is clear and understandable to the worker regarding their terms and conditions of employment. This information and documentation will set out the worker's rights under national labor and employment laws.</li> <li>• The PIUs and RIUs will ensure that contractors provide workers with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law of the country where the project activity is being implemented</li> <li>• The PIU, RIUs and other implementing agencies for the project will maintain, and ensure that contractors, sub-contractors and primary suppliers maintain records of all worker contracts and related documentation, and confirm that the above provisions are being adhered to</li> </ul>
Security of field enumerators	Field enumerators	Moderate to Substantial (in higher risk security countries/areas)	<ul style="list-style-type: none"> <li>• The PIUs and RIUs shall provide security training for all project workers.</li> <li>• Provide PPEs to project workers</li> <li>• Travel related risk: Guidelines on driving specifying speed, conditions of vehicles, first aid box in vehicles, protocols for safety checks on vehicles, driver training, etc.</li> </ul>

			<ul style="list-style-type: none"> <li>• Safety and security of workers: security assessment will be carried out by PIUs and RIUs and security management plan will be developed for countries with high security risk areas</li> <li>• Convoy measures/guidelines will be followed (see Annex 4)</li> <li>• No project activities will take place in red zones and will be excluded from receiving project financing.</li> </ul>
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## 5.0 OVERVIEW OF LABOR AND OCCUPATIONAL HEALTH AND SAFETY (OHS) LEGISLATION

There are several laws in the Beneficiary countries pertaining to labor and working conditions which have been summarized here for each country and the country of each regional institution and will assist in the preparation of country specific LMPs.

### 5.1 Mali

#### 5.1.1 Overview of labor legislation: terms and conditions

This section provides an overview of labor legislation in Mali on workers' terms and conditions of work. Employment contracts of workers on this project are governed by the following laws and regulations:

- Mali's Constitution of 1992
- Law No. 92-020 of 23 September 1992 on the labor code in the Republic of Mali
- Law No. 2027-21 of June 2, 2017/010, of July 15, 2016, amending and supplementing Law No 92-020 / September 23, 1992, on the Social Security Code (amended by Law No. 03-036 of 30 December 2003 and law n ° 06-008 of January 23, 2006)
- Decree No. 00-038 / P-RM fixing the working conditions of the staff of the administration under the Ministry of Labor.

The terms established by the laws and regulations in force include the principles of equity and equal access to work. Discrimination based on race, color, sex, religion, etc. is prohibited. Malian law is very explicit on the system of remuneration, working hours, and the right of the worker, including holidays and the freedom to join the workers' organization of their choice. The project must provide for the provision of all this information to any newly recruited worker; inform the staff of any changes occurring during the contract as well as at the end of the contract. Workers will be informed of all withholdings and deductions at the source that will be made from their remuneration in accordance with the provisions of the laws and regulations of the country.

- **Employer-worker relationship**

Several provisions of the Malian labor code organize the employment contract which defines the way in which the worker will be managed (Article L.13 to L33). The types of contracts (fixed-term contract, open-ended contract, etc.), the contract visa authority, the trial period, etc. are defined by law;

- **Forced and child labor**

The Labor Code prohibits forced labor. The code also sets the minimum age at which a child can be employed as well as the conditions under which he can work. A law on child protection sets the minimum age for admission to employment at 15 years, but in certain cases of vocational training, light work may be authorized. In addition, there are certain restrictions on the type of work that can be performed by workers under the age of 18 as well as the hours of work allowed. Under no circumstances may children be employed in actual work for more than eight hours a day. They are also prohibited from working at night. Although the list of dangerous professions in the country prohibits activities intended for children under the age of 18, Decree 96-178 of June 1996, still in force, allows children between 16 and 17 years of age to perform certain dangerous activities in condition of receiving adequate specific education or

professional training, training in the field of activity concerned. The decree is in contradiction with the protections provided for in the list of hazardous activities, thus leaving children the possibility of working in hazardous activities. Young girls between the ages of 16 and 18 cannot be employed for more than six hours a day. The law applies to all children, including those who work in the informal economy and those who are self-employed.

A new ordinance (2017-4388) describes in detail the hazardous activities prohibited for children under the age of 18.

- **Salaries and deductions**

In accordance with the Labor Code (Articles 96-99, 284, 296, and 319), wage zones and inter-professional minimum wages are fixed by decree. Salaries can be established by collective agreement. In the absence of a collective agreement, salaries are set by professional category. The minimum wage is determined on an hourly and monthly basis.

The remuneration for piece work or piece work must be calculated in such a way that it provides a worker of average capacity, and working normally, a salary at least equal to that of the worker paid by time, performing similar work.

According to the Labor Code (Articles 96, 102-109, and 121), wages must be paid in the legal tender at the workplace or at the employer's office when it is close to the workplace. It cannot be done, either in a liquor store or in a sales store, except for workers who are normally employed there, or on the day when the worker is entitled to rest.

Monthly payments must be made within eight days of their due date. In the event of termination or breach of contract, wages and allowances must be paid as soon as the service is terminated. Likewise, in the event of termination or breach of contract, wages and allowances must be paid upon termination of service. The employer is required to issue the worker, at the time of payment, an individual pays lip, the details of which must be reproduced in a register known as a "payment register".

When wages are paid by the hour, the number of hours worked should be mentioned. No deduction can be made from the worker's remuneration other than those provided for by law.

- **Women**

In accordance with the Constitution, every person has the right to freely choose his profession in the following terms: "Work is a duty for every citizen but no one can be forced to a specific job except in the case of accomplishment of an exceptional service of general (public) interest, equal for all under the conditions determined by law".

Women's work is considered in the Malian Labor Code Article L189. Application decrees set out the working conditions of women and pregnant women and in particular the nature of the work that is prohibited to them.

Decree No. 96-178 / P-RM of June 13, 1996, implementing the various provisions of the Labor Code of 1992, contains many restrictions for women. Indeed, it is stipulated that women cannot perform the same work or the same tasks as men. For example, in industrial and commercial establishments, women cannot be employed in an effective work of more than ten hours a day, cut off by one or more rest periods of which the duration cannot be less than one hour. Women may not be employed in any night work in factories, mines and quarries, construction sites, especially on roads and in buildings and workshops and their outbuildings.



- **Working hours and overtime**

Working hours are considered by Articles 131 to 140 of the Malian Labor Code and Articles 136 (1 and 2) and 140 (1 and 2) of Order No. 1566 / MEFPT-SG of October 7, 1996, relating to modalities of application of certain provisions of the Labor Code.

Normal working hours are 40 hours per week. Daily working hours are not clearly specified. However, on farms, working hours are set at 2352 hours per year. Within this limit, an order of the Minister of Labor fixes the legal weekly duration according to the seasons. In agricultural enterprises, the legal working time cannot exceed 48 hours per week.

Overtime, up to a maximum of 18 hours per week, may be worked to maintain or increase production. The labor inspector can authorize certain companies to exceed the set limit. However, in any case, the maximum working time limit cannot exceed 60 hours per week.

Any hour worked beyond the legal working time gives the right, in the absence of a collective agreement or company or establishment agreement, to a salary increase for overtime.

- **Leave**

Workers are entitled to several types of leave, including paid leave, annual leave, maternity leave, and childcare leave, and others. In addition to nine national days of paid leave per year (workers must receive at least 24 days of paid leave, workers under 18 receive at least 30 days and disabled employees 35 days).

In addition, those working in dangerous and difficult conditions should be given at least a seven-day supplement or at least eight days if working in adverse climatic conditions.

Workers can also benefit from additional leave depending on their seniority. Unpaid leave may also be taken by certain groups of people and may also be covered by contracts.

Upon termination of employment, employees are paid for unused leave and may use the leave for job search or as a deduction from notice upon respect of the maximum allowed number of leave days per year as per the employer policy.

Women are entitled to maternity leave for up to 70 calendar days, or 86 days in the event of complications. Maternity leave is calculated in total and paid in a lump sum, regardless of the actual number of days of leave.

- **Right to form an association**

Professional associations (Article L253), unions (Article L256), trade union committees (Article L258) and the possibility for workers to designate their staff representatives (Article L265-L278) are recognized by the law of the Republic of Mali.

Article L.256: Any worker or employer may freely join a trade union of his choice within the framework of his profession.

Article L.258: A trade union committee may be set up by any representative trade union in each company or establishment usually employing 11 employees. For the determination of the workforce of the company, not only permanent staff are considered, but also apprentices, trial workers and casual or seasonal workers carrying out an average period of 6 months of work in the year.

Article L.265: Staff representatives are elected in each establishment comprising more than ten workers. Their term of office is one year. Their mission is organized by Article L 278 of the Labor Code. The law of the Republic of Mali does not restrict the freedom of workers to form an association to defend their rights and claim working conditions. Project workers have the right to form an association or join a union of their choice without this constituting a source of retaliation.

- **Rest periods**

Several provisions of the labor code grant these rights to workers (Article L.131: the legal working time cannot, in principle, exceed 40 hours per week, Articles L.142: weekly rest is compulsory. It takes place in principle, Sunday. It cannot, under any circumstances, be replaced by a compensatory allowance. The worker is entitled to training, annual, maternity, family, and special leaves (Article L 10, 11, 97, 114, 146 and 147).

- **Termination conditions**

Article L.34 of the Labor Code indicates the conditions for suspension of the contract. The conditions under which the worker is or is not entitled to compensation following the suspension of his contract are specified in articles L34- L38. Articles L46 to L50 for their part give the conditions under which a worker can be dismissed. An unfair dismissal can give rise to damages. The competent court finds the abuse by investigating the causes and circumstances of the breach (article L51).

- **Non-discrimination and equal opportunities**

The Malian code has given details on the different types of discrimination to be avoided with the inclusion of criteria for invalidity, handicaps, and persons living with HIV / AIDS (new Article L4). However, distinctions, exclusions, or preferences based on the qualifications required for a particular job are not considered to be discrimination. The above provisions also do not preclude temporary measures taken to establish equality between men and women, regarding the conditions of access to employment, training and development (new Article L4).

### 5.1.2 Overview of Labor Legislation: Occupational Health and Safety

In accordance with the provisions of the Labor Code the employer is obliged to ensure the health, safety, and well-being of people in the workplace according to the prescribed measures by the provisions on health and safety at work within the framework of labor law.

The employer must ensure that the health and safety of workers are not at risk in the workplace and the machines, equipment, substances and working methods are under control. The employer must periodically undertake analyses and evaluations of the working conditions and environment, and to monitor compliance with regulatory safety and health standards. The employer must collect data relating to the safety and health of workers and the working environment. Provisions relating to hygiene, health and safety are set out in the following lines.

The labor code of the Republic of Mali requires all employers to take all measures to guarantee good health and safety conditions for their workers without defining the specific documents to be drawn up (Article 170- Article L.177). The law on social security in Mali establishes the compensation and prevention system for work accidents and occupational diseases for the benefit of all salaried workers exercising their professional activity in the Republic of Mali or on behalf of an employer domiciled in Mali (Article 61).

The law obliges employers, among other requirements, to:

- Be responsible for safe working conditions and occupational safety at all workplaces and for informing workers of working conditions and the results of inspections.
- Apply the means of individual and collective protection of workers (including protective clothing and equipment).
- Provide appropriate work and rest regimes.
- Train workers in their work and in safe working methods.
- Provide instructions on labor protection.

Employers are required to have a poster affixed in each workshop, site, or workplace to inform workers about the regulations concerning industrial accidents and occupational diseases (Article 70). The employer is required, as soon as the accident occurs:

- Provide first-aid treatment.
- Notify the doctor in charge of the company's medical services or, failing that, the nearest doctor.
- Possibly directing the victim to the medical or inter-company centre, failing that, to the public health facility or the public or private hospital establishment closest to the accident site. The doctor is required to send the first copy of the medical report to the National Institute of Social Security, the second copy to the Regional Labor Inspectorate if the accident occurred within the limits of the administrative district in other cases (Article 72, 73).

OSH measures will be designed and implemented to address the following issues:

- a) Identification of potential hazards to project workers, particularly those that could be fatal
- b) Establishment of a system of identification and psychosocial follow-up of employees affected following work-related trauma in the field of COVID-19
- c) Implementation of preventive and protective measures including modification, substitution, or elimination of hazardous conditions or substances
- d) Training of project workers and keeping of corresponding records
- e) Recording and reporting of accidents, illnesses, and occupational incidents
- f) Emergency prevention, preparedness, and response arrangements
- g) Solutions to remedy negative impacts such as accidents, deaths, disabilities, and work-related
- h) illnesses

In addition to the above references, applicable international conventions, and guidelines on health and safety issues such as:

- The ILO Occupational Safety and Health Convention, 1981 (No. 155)
- The ILO Occupational Health Services Convention, 1985 (No. 161)
- The ILO Safety and Health in Construction Convention, 1988 (No. 167)
- The WHO International Health Regulations, 2005
- WHO Emergency Response Framework, 2017
- The EU Framework Directive on health and safety at work (Directive 89/391)

## 5.2 Benin

### 5.2.1 Overview of labor legislation: terms and conditions

This section provides an overview of the labor legislation in Benin and covers the terms and conditions of work. For the purposes of this project, the labor legislation relating to employment in Benin is governed by the following laws and regulations:

- Law 2015-18 of 1 September 2017 on the General Statute of the Public Service
- Law n°2018-35 of 05 October 2018 amending and supplementing Law n°2015-18 of 1 September 2017 on the General Statute of the Public Service in the Republic of Benin
- Law 98-004 of 27 January 1998 on the Labor Code in the Republic of Benin
- Law n°2017-05 of 29 August 2017 fixing the conditions and procedure for hiring, labor deployment and termination of employment contracts in the Republic of Benin
- Law n°2015-08 of 08 December 2015 on the Child Code in the Republic of Benin.
- Law n°2006-19 of 17 July 2006 on the repression of sexual harassment and protection of victims in the Republic of Benin
- Enforcement texts of the above-mentioned laws (decrees and orders) including:
  - Decree No. 2011-029 of 31 January 2011 on the list of dangerous work for children in the Republic of Benin.
  - Order No. 54/MFPTRA/DC/SGM/DT/SST of 26 October 1998 establishing the conditions under which pre-recruitment medical check-ups, periodic check-ups, work resumption check-ups and spontaneous consultations are carried out.
  - Decree No. 98-368 of 4 September 1998 fixing the hours of equivalence in companies governed by the Labor Code.
  - Order No. 22 MFPTRA/DC/SGM/DT/SST of 19 April 1999 on general health and safety measures at work.
  - Order No. 031 MFPTRA/DC/SGM/DT/SST of 2 November 1999 on the powers, organisation and functioning of occupational health services.
  - Order No. 136/MFPTRA/DC/SGM/DGT/DNT/SRT of 3 April 2006 establishing the conditions for displaying the status of worker and the contact details of the contractor's at workplaces.
  - Ministerial Order No. 132/MFPTRA/MSP/DC/SGM/DT/SST of 2 November 2000 establishing the nature of the work and the categories of enterprises prohibited to women, pregnant women and young people and the age limit to which the ban applies.
- General Collective Labor Agreement of 30 December 2005;
- Texts applicable to health and safety at work.

State employees are governed by Law 2015-18 of 1 September 2017 on the General Statute of the Public Service, which includes provisions relating to the structure of staff, recruitment, rights and obligations, health and safety at work, the disciplinary system and the termination of service of civil servants. This law has been amended and completed by the "law n°2018-35 modifying and completing the law 2015 - 18 of 1 September 2017 on the General Statute of the Civil Service" and clarifies the conditions of dismissal or revocation of civil servants.

Private sector workers and project contractors are governed by the Law 98-004 of 27 January 1998 on the Labor Code and its implementing regulations. The law regulates individual and collective labor relations, specifies working conditions and remuneration conditions and remuneration, as well as providing for mechanisms for the settlement of individual and collective labor disputes.

Staff are recruited in accordance with the Labor Code and the Employment Act. For this purpose, the parties freely conclude an employment contract, which can be proved in writing or by any other means (Article 6 of the Employment Act and Article 9 of the Labor Code). by any other means (Article 6 of the Employment Act and Article 9 of the Labor Code). This contract can be concluded for a fixed term (Article 11), indefinitely (Article 12), part-time (Article 13). Project workers may freely exercise their right to trade union freedom in accordance with Article 79 of the Labor Code. They acquire the right to paid leave, at the expense of the employer, at the rate of two working days of leave per month of effective service (Article 158 and following). of actual service (Article 158 et al.).

To protect the life and health of workers, the employer is required to take all useful measures that are appropriate to the operating conditions of the company. He has the duty to declare them to the national social security fund (Article 182 of the law establishing the Labor Code and following). On the other hand, workers are obliged to do the work for which they were hired and under the following conditions: punctuality, loyalty, obedience, and compliance with health and safety regulations (article 20 of the general collective labor agreement applicable to private and semi-public sector enterprises in the Republic of Benin of 30 December 2005). Republic of Benin of 30 December 2005). Within the workplace, discipline is required. It takes into account sanctions inflicted for professional misconduct or breaches of discipline, such as a warning or reprimand, a reprimand with an entry in the file, a layoff of 1 to 8 days with loss of pay, dismissal with notice and dismissal without notice in the case of serious misconduct (article 16 of the 1985 collective agreement)

The terms and conditions established by the laws and regulations in force include the principles of fairness and equality in access to work.

Forced labor is absolutely prohibited and discrimination based on race, skin color sex, religion, disability, etc. is prohibited (Articles 4, 31 and 32 of Law n°98- 004 of 27 January 1998).

Law 98-004 of 27 January 1998 on the Labor Code in the Republic of Benin is explicit on the wage system. Wages are determined by the agreement of the parties in accordance with collective agreements and the law. (Article 41 on hiring). It shall be paid in currency that is legal tender in the Republic of Benin by cheque or by bank, postal or electronic transfer or in cash, notwithstanding any stipulation to the contrary, on pain of nullity

(Article 43 on hiring). For equal work, the wage is equal for all workers (Article 208). This salary cannot be less than the minimum wage (article 210), which is forty thousand francs (40,000) CFA francs (article 60 of the decree).

The working hours and other specific provisions applicable to the project are governed by the Labor Code in Articles 142, 207 and following respectively. According to the provisions of Article 142, the weekly working time is 40 hours in all establishments, with the exception of agricultural establishments.

In practice, this is spread over five days of the week, at the rate of eight hours per day: from Monday to Friday from 8.00 a.m. to 12.30 p.m., then from 3.00 p.m. to 6.30 p.m. The private sector employer can spread the 40 hours over six days of the week. According to Article 158 of the Labor Code, working days are all days of the week except for the weekly rest day, which is in general Sunday. Notwithstanding the provisions of Article 142 of the Labor Code setting the weekly working time at 40 hours, a weekly working time more than 40 hours is set and accepted as equivalent to the 40 hours to take account of the intermittent nature of work in certain companies or in certain jobs. This derogation is provided for by Decree No. 98-368 of 4 September 1998 setting out the hours of equivalence in companies governed by the Labor Code.

Remuneration, benefits and other personnel costs are governed by the provisions of the Labor Code, in particular Articles 207 and following. Furthermore, in the context of the implementation of projects financed by the World Bank, the latter's texts on labor apply to workers recruited by the projects or working on behalf of the project. These include guidelines and regulations such as the World Bank's Guidelines for the Selection and Employment of Consultants by Borrowers, January 2011, revised version July 2014, and the Procurement Regulations for Borrowers Seeking Investment Project Finance (IPF), July 2016.

Similarly, Law N°98-004 of 27 January 1998 on the Labor Code in the Republic of Benin recognizes the immigrant worker and provides in Article 26 that "...any foreigner or immigrant may only engage in salaried activity by virtue of a fixed-term employment contract. term contract". This provision should be respected to give the opportunity to all workers without discrimination and in all equity.

#### 5.2.2 Resolution of individual and collective labor disputes

Article 237 of Law No. 98-004 of 27 January 1998 on the Labor Code in the Republic of Benin defines an individual labor dispute as any dispute between a worker and his or her employer during the course of employment or on the occasion of the termination of the employment contract. Furthermore, any individual labor dispute arising within the company or establishment under the conditions set out above must be submitted, before any referral to the labor court, to the labor inspector for an attempt at amicable solution. The labor inspector of the jurisdiction to which the case has been referred shall summon the parties within the following fifteen days and attempt to reconcile them. No one may, in any way whatsoever, obstruct the conciliation or non-conciliation. The failure of either party to appear after two regular notices to appear shall be deemed to be a failure of the conciliation attempt (Article 238). The failure of either party to appear after two regular summonses is equivalent to a failure of the attempt at conciliation. The conciliation and the non-conciliation are recorded in a report by the labor inspector signed by the parties or by the party present (Article 238).

A strike can only be called if negotiations fail before the labor inspector or director. The failure of negotiations must be recorded immediately in the minutes of the labor inspector or director, signed by the parties and stamped by the labor inspector or director. The strike does not break the employment contract: the employer may not dismiss for strike action, except for serious misconduct by the employee (Article 264). Apart from the points specified in this code, the procedure is carried out as provided for in the Code of Civil Procedure (Article 265).

Law No. 98-004 of 27 January 1998 on the Labor Code in the Republic of Benin and the provisions of NES No. 2 provide for the amicable management of complaints before they are brought before the courts in case of failure. to the courts in case of failure.

#### 5.2.3 Labor legislation: Occupational health and safety

- **Health and safety of public administration employees and local authorities:**

The law on the status of the civil service stipulates that the obligation to ensure health and safety is incumbent on the State or on local authorities and provides for the creation of occupational health services and committees. The Government or the municipality organises periodic medical check-ups for public employees. It ensures the permanent control of compliance with the rules of hygiene and safety at work.

- **Social protection for public employees:**

Law No. 2018-35 of 5 October 2018 amending and supplementing Law No. 2015-18 of 1 September 2017 on the general statute of the civil service in the Republic of Benin provides for the establishment of a regime that will include the branches of health insurance, compensation for occupational diseases and work accidents.

- **Private sector and project workers:**

The Labor Code requires employers to take appropriate measures adapted to the operating conditions of their companies to protect employees as best as possible against accidents and illnesses (CT, Art 182). Thus, it sets out in the Labor Code the conditions for the organization and operation of health and safety committees (CT Art 187 to 191). The implementing texts, including Order No. 22 MFPTRA/DC/SGM/DT/SST of 19 April 1999, set out the general measures for health and safety at work, and Order No. 031 MFPTRA/DC/SGM/DT/SST of 2 November 1999, set out the powers, organization and operation of occupational health services.

- **Free protective equipment**

According to the Labor Code, the employer is required to take all necessary measures to protect the life and health of workers. According to Order No. 22 of 19 April 1999, the employer must provide workers with protective clothing and footwear, as well as the equipment required for their work.

- **Training**

The employer is required to organize appropriate health and safety training for newly hired employees, employees who have changed jobs or techniques and employees who return to work after a period of more than six months' absence. This training must be updated for the benefit of all personnel in the event of changes in legislation, regulations or work processes. In each workshop or on each site where more than twenty-five (25) people work permanently, two or three workers must be trained to give first aid (Source: Article 183 of the Labor Code, 1998)

- **Trafficking, exploitation, and child labor**

Considering the provisions of Law N°98-004 of 27 January 1998 on the Labor Code in the Republic of Benin, no child can be employed in any enterprise before the age of 14 (Article 166). The minimum age in the context of this project will therefore be 14 years and "young workers aged 14 to 18 years" in the context of the HISWACA SOP-1 project have the same rights as workers in their professional category. Under no circumstances can they suffer any reduction in wages or downgrading in their occupation because of their age.

The employer keeps a register of all persons under the age of 18 employed in his or her company. The employer shall keep a register of all persons under 18 years of age employed in his enterprise, indicating the date of birth of each of them (Article 167). The young worker cannot be kept in a job thus recognised as being beyond his strength and must be assigned to another suitable job (Article 169, paragraph 2).

Under the HISWACA SOP-1 project, the young workers' workforce will have to comply with these provisions, and no one should use forced labor. Forced labor is defined as any work or service which is required of any person under the menace of any penalty and for which the person has not offered himself or herself voluntarily. This prohibition applies to any kind of forced or compulsory labor (Article 3 of the Labor Code), such as debt bondage or similar types of employment. No victims of human trafficking shall be employed.

#### 5.2.4 Policy and procedures

Law 2015 - 18 of 1 September 2017 on the General Statute of the Civil Service instituted a social protection regime for public employees. This regime is composed of (i) a health insurance branch (ii) a compensation branch for occupational diseases and accidents at work; (iii) a family benefits branch. The operational procedures for setting up the management structures and the conditions for benefiting from the regime are laid down by a decree issued by the Council of Ministers.

For workers in the private sector and in projects, the procedure for compensation for an accident at work and an occupational disease is provided for in Law 98-019 on the Social Security Code in articles 54 and following:

- a) The victim of an accident at work must inform or have informed his employer within 24 hours except in cases of force majeure, absolute impossibility or legitimate reason. The same obligation is incumbent on the insured's beneficiaries in the event of death.
- b) The employer is obliged to declare simultaneously to the local labor inspector and the social security fund, within 48 hours of being informed, any accident at work or occupational disease suffered by employees working in the enterprise.

The allowances provided to victims of accidents at work or occupational diseases are of two kinds: payments in kind and payments in cash.

Payment in kind include medical care required by the victim's condition, namely

- a) Medical assistance (surgical and dental, including X-ray and laboratory examinations).
- b) Provision of pharmaceutical products or first aid supplies.
- c) Maintenance in a hospital or other health facility.
- d) Provision, maintenance and replacement of prosthetic or orthopaedic equipment required as a result of the injuries caused by the accident and acknowledged by the medical officer of the Fund to be essential or likely to improve functional rehabilitation or vocational rehabilitation.
- e) Functional rehabilitation, occupational re-education, and reclassification of the victim (e) Functional rehabilitation, vocational re-education and reclassification of the victim.
- f) Transport of the victim from the place of the accident to a health facility or to his or her residence  
Transport of the victim from the place of the accident to a health facility or to his or her residence.
- g) Funeral expenses for the victim in the event of a fatal accident.

As for cash payments, they include:

- h) Daily allowances.
- i) Disability allowances and pensions; and
- j) Survivors' pensions.

### 5.3 Niger

Labor regulations in Niger are based on the following laws and regulations

- The Constitution of 25 November 2010, which recognises the right to work, freedom of association and the right to strike for all citizens.
- Law n°2007-26 of 23 July 2007, on the General Statute of the Public Service and subsequent amendments.
- Law n°2012-45 of 25 September 2012, establishing the Labor Code of the Republic of Niger.



- Law n°2012-69 of 31 December 2012, establishing the Niger Independent Pension Fund (CARENI).
- Law n°2018-22 of 27 April 2018, determining the fundamental principles of social protection.
- Decree No. 60-055/MFP/T of 30 March 1960, regulating the number and various material allowances granted to civil servants in public administrations and establishments of the State and subsequent amending texts.
- Decree n°65-117/PRN/MFPT of 18 August 1965, determining the management rules of the compensation and prevention scheme for work accidents and occupational diseases by the National Social Security Fund.
- Decree n°98-161/PRN/MFRE/P/MP of 04 June 1998, fixing the allowances allocated to the staff of the investment projects directorates;
- Decree n°96-412/PRN/MEF/P of 4 November 1996, regulating temporary work
- Decree n°96-413/PRN/MFPT/E of 4 November 1996, determining the conditions of form of certain employment contracts
- Decree n°2008-244/PRN/MFP/T of 31 July 2008 on the modalities of application of Law n°2007-26 of 23 July 2007, on the General Statute of the Public Service of the State;
- Decree n°2012-358/PRN/MFPT of 17 August 2012, fixing the minimum wages by professional categories of workers governed by the interprofessional collective agreement;
- Decree No. 2014-490/PRN/MFP/RA/MF of 22 July 2014, approving the Statutes of CARENI;
- Decree No. 2015-641/PRN/MET/SS/MEF of 15 December 2015, amending and supplementing Decree No. 65-117/PRN/MFPT of 18 August 1965, determining the rules for the management of the compensation and prevention scheme for occupational accidents and diseases by the National Social Security Fund;
- Decree n°2017-682/PRN/MET/PS of 10 August 2017 on the regulatory part of the Labor Code;
- Decree n°2020-014/PRN/MET/PS of 10 January 2020, setting out the terms and conditions for the application of Law n°2018-22 of 27 April 2018, determining the fundamental principles of social protection.
- The interprofessional collective agreement.

The key aspects of this regulation are summarized below:

- **The legal working time** for employees or workers of either sex, of any age, working on a time, piecework, or job basis, is set at 40 hours per week (Article 99 of the Labor Code). Hours worked more than the legal working time are subject to an increase in pay.
- **Maternity leave** is 14 consecutive weeks, including eight weeks after delivery; this suspension may be extended by three weeks in the event of a duly certified illness resulting from pregnancy or childbirth.
- **Persons exercising the same profession**, similar trades or related professions contributing to the establishment of specific products or the same liberal profession may freely form a professional union (Article 183 of the Labor Code).
- **Forced or compulsory labor** is prohibited.
- **For children, the minimum working age in Niger** is 14 years in the conditions of legal apprenticeship (article 99 of the Labor Code: "Children may not be employed in an enterprise, even as apprentices, before the age of 14, unless an exemption is granted by decree issued by the Council of Ministers, after consultation with the Consultative Commission on Labor and Employment, taking into account local circumstances and the tasks that may be required of them.
- **National legislation recognises the formal rights of people with disabilities** or those with simple mobility difficulties to have access to public buildings and sites that are open to the public.

In terms of occupational health and safety, Niger has ratified several conventions on occupational health and safety and has also developed several legislative and regulatory texts for the protection of occupational health and safety, including general texts under the Ministry of Employment, Labor and Social Protection and sectoral texts (from the Ministries of Mines, Oil, Transport, Agriculture, Urban Planning, etc.). The main regulations are presented below:

**Article 22 of the Niger Constitution** states that "the government shall take measures to fight against violence towards women and children in public and private life". Sexual abuse and harassment are also dealt with by Articles 45 of Law N°2012 45 of 25 September 2012 on the Labor Code of the Republic of Niger and 281-1 of the Penal Code; Article 122 of Decree N° 2017-682 of 10 August 2017, Article 11 of the Constitution "the human person is sacred. The State has the absolute obligation to respect and protect the person".

**The Nigerien Penal Code, amended by Law 2003-026 of 13 June 2003, and other regulations** punish acts of violence with heavy penalties under various headings: assault and battery, violence and assault, rape, female genital mutilation, indecent assault, indecent assault, sexual harassment;

**Decree 65-117 of 18 August 1965** establishing the rules for managing the system of compensation and prevention of accidents at work and occupational diseases by the National Social Security Fund.

Moreover, according to the Labor Code:

- When an emergency is imperatively required for the protection of the life or physical integrity of workers, the Labor Inspector may refer to the judicial judge a request that the total or partial closure of the workplace be ordered without delay, pending the restoration of normal safety conditions.
- To protect the life and health of employees, the employer is required to take all useful measures that are appropriate to the operating conditions of the workplace. In particular, the employer must set up the installations and organise the work in such a way as to protect employees as much as possible from accidents and illnesses.
- Every employer is required to organise health and safety training for newly hired employees, and for those who change jobs or techniques.
- The employer or his representative must organise permanent monitoring of compliance with health and safety rules.
- Employees, for their part, must comply with the instructions given to them, use health and safety devices correctly and refrain from removing or modifying them without the employer's permission.
- The employer is obliged to declare any work accident or occupational disease that occurs in the company in the form and within the time limits laid down by the regulations on compensation for work accidents and occupational diseases.
- The Government or the municipality organises periodic medical examinations for the benefit of public employees. It ensures permanent control of compliance with health and safety rules at work. No employer may take into consideration gender, age, national origin or social origin, race, religion, colour, political and religious opinion, disability, HIV-AIDS, sickle cell disease, membership or non-membership of a trade union and the trade union activity of workers in order to make decisions concerning, in particular, recruitment, the conduct and distribution of work, vocational training, promotion, remuneration, the granting of social benefits, discipline or the termination of the employment contract.

**Social security.** Social security in Niger is provided by the "Caisse Nationale de Sécurité Sociale" (CNSS), created by Law No. 2003-34 of 5 August 2003, which created a public social institution called the CNSS. Under the terms of this law, the CNSS is responsible for managing the various branches of social security established for workers as defined in Article 2 of the Labor Code. Social protection as managed by the CNSS in Niger was instituted by Law N°65- 004 of 8 February 1965, which was repealed and replaced by Law N°2003-34 of 5 August 2003 on the creation of a public social institution called CNSS. Its statutes were adopted by Decree N°2005-64/PRN/MFP/T of 11 March 2005.

In accordance with the provisions in force, the CNSS has legal and financial personality. It is placed under the supervision of the Ministry of Labor and administered by a tripartite Board of Directors composed of members representing State administrations, employers and workers. The CNSS's mission is to manage the various branches of social security instituted in favour of salaried workers, namely:

- The family allowance branch, which aims to relieve socially insured persons of the costs inherent in the birth, maintenance, and education of children
- The occupational risks branch, which aims to prevent accidents at work and occupational diseases and, where appropriate, to compensate for the consequences of the occurrence of these risks (temporary or permanent disability and death)
- The branch of old-age, invalidity and survivors' pensions, which aims to guarantee an income to retired employees and, in the event of their death, to their rightful claimants. In addition, as part of its mission, the CNSS manages health and social action funds, the aim of which is to provide benefits in kind to employees and their families.

**Unemployment insurance.** The Nigerian system does not include unemployment insurance for wage earners but requires employers, in the Labor Code, to pay compensation to employees dismissed for economic reasons. The amount corresponds to the payment of one month's gross salary as well as severance pay to employees with at least one year of continuous employment. The amount of the compensation paid is a percentage of the monthly salary depending on the length of service, i.e.:

- From 1 to 5 years: 20% per year of employment
- 6 to 10 years: 30% per year of employment,
- More than 10 years: 35% per year of employment.

Self-employed workers are not covered by the social security system but can voluntarily adhere to the protection of pension and work accident risks.

Also, the Agence Nigérienne de la Mutualité Sociale (ANMS) created by decree n°2015-474/PRN/MET/SS of 04 September 2015, carries out activities within the framework of strengthening social mutuality among workers by providing them with more medical coverage. The Strategic Plan for the Development of Mutual Health Organisations seeks to contribute to the reduction of maternal and infant mortality through alternative financing mechanisms and community participation in health. The overall objective is to improve financial accessibility to quality health care and services through community and enterprise-based mutual health insurance. The specific objectives of the Strategic Plan are to extend the coverage of mutual health insurance in all regions of the country; to contribute to the improvement of the environment of mutual health insurance; to strengthen the financing mechanisms of community-based mutual health insurance; to strengthen the technical capacities of mutual health insurance; to strengthen the dialogue between the different actors involved in mutual health insurance; to encourage the beneficiaries of CNSS benefits to use insurance companies for the benefit of their staff, especially for companies that can afford it.

**Sexual harassment:** The Labor Code (Law No. 2012-45 of 25 September 2012, on the Labor Code of the Republic of Niger) provides in Article 5 that "no employer may take into consideration the sex, age, national descent or social origin, race, religion, color, political and religious opinion, disability, HIV-AIDS, sickle cell disease, membership or non-membership of a trade union and the trade union activity of workers in order to make decisions concerning, in particular, recruitment, conduct and distribution of work, vocational training, advancement, career advancement, remuneration, granting of social benefits, discipline or termination of the employment contract". The same Labor Code prohibits sexual harassment in the workplace, through abuse of authority, to obtain favors of a sexual nature from others (Article 45). Furthermore, the Niger Penal Code provides that harassing others by using orders, threats or coercion to obtain favors of a sexual nature is punishable by three to six months' detention and a fine of 10,000 to 100,000 francs. If the harassment is committed by a person abusing the authority granted by his or her functions, the sentence shall be from three months to one year's detention and the fine shall be from 20,000 to 200,000 francs (Article 281.1).

To reduce the transmission risk COVID-19, there are several international procedures/practices that aim to provide guidance and requirements in the context of COVID-19 in relation to OHS. These include, but are not limited to:

- The World Bank interim note published on 7 April 2020 on the Environmental and Social Framework (ESF).
- The World Health Organization's Scientific Information Paper on SARS-CoV-2 Transmission - Implications for Precautions to Prevent Infection published on 9 July 2020.
- The International Labor Organisation's checklist on measures to prevent and limit the spread of COVID-19 at work published on 9 April 2020.

**Occupational diseases.** Any occupational disease for which compensation is claimed must be declared by the victim or his or her representative to the labor inspector within fifteen days of cessation of work. This period may be extended for certain diseases by decree issued on the proposal of the Minister of Labor and the Minister of Health. The certificate drawn up by the physician must indicate the nature of the disease, in particular the symptoms noted and mentioned in the tables, as well as the probable consequences. The list of diseases considered as occupational as well as the time limits for coverage by the Fund and the indicative list of the main jobs likely to cause them are contained in Annex IV of Decree No. 2015-641/PRN/MET/SS/MEF of 15 December 2015 amending and supplementing Decree No. 65-117 of 18 August 1965, determining the rules for the management of the scheme for the compensation and prevention of occupational accidents and diseases by the National Social Security Fund.

**Wages and working hours.** Wages, working hours and other specific provisions applicable to the project are governed by the Labor Code, by Title III of Decree N°2017-682/PRN/MET/PS of 10 August 2017, establishing the regulatory part of the Labor Code.

According to the provisions of the said decree, in non-agricultural establishments, work is organised in weekly cycles of forty (40) hours per working week corresponding to one hundred and seventy-three point thirty-three (173, 33) working hours per month.

Remuneration, expenses, and other personnel costs are governed by the provisions of the above-mentioned decree.

## 5.4 Guinea

The Guinean law that governs working conditions and is relevant for this LMP is the Labor Code Law n° L/2014/072/CNT of 10 January 2014. This law is applicable to relations between employers and workers carrying out their professional activity in the Republic of Guinea. The 2014 Labor Code prohibits all forms of harassment at work, including sexual harassment; the constitution prohibits harassment based on gender, race, ethnic origin, political opinion or other grounds.

- **Determination of wages**

Article 241.1 of the Labor Code states that, subject to the provisions of article 241.7 of the Guinean Labor Code and collective agreements, wages and their components are negotiated freely between the employer and the worker.

Article 241.2 states that all employers must ensure, for the same work or for work of equal value, equal remuneration for employees, regardless of their origin, sex or age, under the conditions set out in Title IV, "Wages and wage supplements".

Article 241.2 defines remuneration as the basic salary and all other benefits and allowances, bonuses and indemnities of any kind, paid directly or indirectly, in cash or in kind, by the employer to the worker as a result of the latter's employment. The payment of wages in whole or in part in the form of alcohol or drugs is prohibited.

Where wages are paid partly in kind, the benefits in kind must be for the personal use of the worker and his or her family and must be in the worker's interest; the value attributed to such benefits must be fair and reasonable.

The article states that unless otherwise provided for in the Code, collective agreements, individual employment contracts or the agreement of the parties, no wages are due in the event of the worker's absence from work.

Article 241.3 in turn provides that the various components of remuneration must be established according to identical standards for men and women. According to Article 241.3 of the Labor Code, the categories and criteria for job classification and promotion, as well as all other bases for calculating remuneration, including job evaluation methods, must be common to workers of both sexes.

With regard to deductions from wages, seizure and assignment, Article 243.1 states that deductions from wages are made by the employer on behalf of the tax authorities or the Social Security Fund under the conditions laid down by law. Article 243.2 specifies that for wages of a maintenance nature, only part of the amount up to thirty per cent may be subject to seizure or assignment. Similarly, the employee may only assign his wage claim to third parties within the limits of the assignable or seizable part of the wage.

Article 222.8 states in turn that, unless a collective agreement provides otherwise, the employee is entitled to paid leave at the expense of the employer at the rate of two and a half working days per month of actual service. Article 222.12 adds that the right to leave is acquired after a period of actual service equal to one month.

- **Women's work**

Article 136.1 of the Labor Code states that night work is prohibited for women in factories, plants, mines and quarries, construction sites, workshops and their dependencies of any kind. The prohibition referred

to in the preceding paragraph is not applicable to women who hold managerial or technical positions involving responsibility.

However, Article 136.2 states that this prohibition does not apply: (i) in cases of force majeure where the purpose is to avoid the interruption of operations; (ii) in cases where it is a question of saving perishable materials from inevitable loss; (iii) in cases of work in successive shifts if the applicable collective agreement or arrangement so provides. It goes on to say that in the event of special circumstances requiring night work by women, the Labor Inspector, on application by the employer, may authorise exceptions to the prohibition provided for in paragraph 1 of Article 136.1.

- **Child labor**

Article 137.1 defines a child as any person under the age of eighteen years. Article 137.2 states that night work is prohibited for workers of either sex under the age of 18. Article 137.3 states that apprentices and workers under the age of 18 may not be employed in unhealthy or dangerous establishments where workers are exposed to fumes harmful to their health except under special protective conditions determined by order of the Minister of Labor after consulting the Advisory Committee on Labor and Social Legislation.

Article 137.4 prohibits dangerous work for children. It considers the following to be dangerous

(a) Work that exposes children to physical, psychological or sexual abuse

(b) Work that is carried out in an unhealthy environment which may, for instance, expose children to dangerous chemicals, agents or processes or to conditions of temperature, noise or vibration that are harmful to their health.

Article 137.5 stipulates that children may not be employed in any workplace until they are at least 16 years old, except as an apprentice as provided for in article 142.1 et seq. of the Code, and that an order of the Minister of Labor shall determine the nature of the work and the categories of workplace prohibited to young people under 18 years of age and the age limit to which the prohibition applies.

- **Occupational health and safety**

Article 231.1 of the Guinean Labor Code states that all enterprises and establishments are subject to OSH provisions. According to the Code, establishments or enterprises engaged in simultaneous activities in the same workplace must collaborate to apply the prescribed measures, without prejudice to the responsibility of each establishment or enterprise manager for the health and safety of the workers he or she employs. The Article states that to protect the life and health of employees, the employer is required to take all useful measures that are appropriate to the operating conditions of the workplace. In particular, he must arrange facilities and regulate the working process in such a way as to protect employees as far as possible from accidents and illnesses.

The Code recommends that all establishments or companies regularly employing at least 25 employees set up a safety and health committee. The committee's mission is to review, develop and ensure the implementation of prevention and protection measures in the areas of occupational safety and health. Heads of establishments, directors, managers or agents who have work carried out that presents particular dangers to the health of employees are required to mention the exact nature of the work in a declaration that they send to the labor inspector and the occupational medical officer. It states that they are responsible for applying to employees the protective measures provided for this purpose. Article

231.3 recommends the correct use of health and safety devices and refraining from removing them, even with the employer's permission.

## 5.5 Guinea Bissau

The national provisions on occupational health and safety are governed by the following texts

- Law No. 2/86 of 5 April 1986 on the General Labor Law
- Decree No. 02/2012 of 3 January 2012 establishing the requirement to institutionalize the health and safety plan and managers in companies,
- Legislative Decree No. 5/86 establishing a social protection system (29 March 1986).
- Decree No. 4/80 on compulsory insurance against occupational accidents and diseases, which governs the right of workers (and members of their families) to compensation,
- Regulatory Decree No 6/80 establishes the different types of benefits to which a worker who has suffered an occupational accident or disease is entitled, depending on his or her degree of disability, and lays down the rules for determining the wage upon which compensation is calculated,
- Law No 4/2007, which establishes the legal framework for the social protection of the population by setting up three schemes:
  - Non-contributory social protection for citizens.
  - Compulsory social protection, which is a contributory scheme for all employees (nationals or foreigners); and finally
  - The voluntary supplementary social security scheme incorporated into the LGT sets out the principles of occupational health and safety.
- **Prevention of occupational accidents and diseases**

Law No. 2/1986 of 5 April 1986 on the General Labor Law (GLL) in Guinea Bissau, places the obligation on employers of workers in the private sector and projects to adopt useful measures adapted to the operating conditions of their companies in order to protect employees as best as possible against accidents and illnesses. The GLL also safeguards the worker's basic interests (employment contract, working conditions: salary, duration, rest and holidays, etc.).

- **Institutionalisation of the plan and health and safety officers in companies**

In accordance with Decree no. 02/2012 of 3 January 2012 relating to the requirement of establishing a health and safety plan and health and safety officers in companies, all employers must provide an occupational health service for the benefit of the workers they employ. This service includes a medical examination of candidates for recruitment or newly recruited employees at the latest before the expiration of their probationary period; periodic examinations of employees to ensure their good health and their continued suitability for the position they hold. The Decree also provides the framework of the organization and operation of company medical and health services, and the special working conditions of pregnant women and young people.

- **Health and safety training**

All employers are required to organize health and safety training for newly recruited employees, those who change jobs or techniques. This training must be updated for the benefit of the personnel concerned in the event of a change in legislation or regulations (Law No. 5/1986 of 5 April 1986 on GLL and Decree

No. 02/2012 of 3 January 2012 Guinea Bissau). Project workers will have access to facilities appropriate to their working conditions, including canteens where necessary, sanitary facilities and suitable rest areas. Where accommodation is provided, policies relating to the management and quality of accommodation will be developed to protect and promote their health, safety and well-being and to provide or provide access to services that take into account their physical, social and cultural needs.

A regular review system of occupational safety and health performance and the working environment shall be put in place and shall include the identification of safety and health hazards and risks, the implementation of effective methods to address the identified hazards and risks, identification of priority actions and evaluation of the results.

- **Operation of the health committees**

The GLL establishes the conditions of organization and operation of the health committees in charge of studying the occupational health and safety conditions in which the protection and health of workers are ensured. The GLL ensures the application of legislative and regulatory requirements and contributes to the education of workers in this respect (Decree No. 02/2012 of 3 January 2012 concerning the obligation to establish a health and safety plan and health and safety officers in companies and Law No. 2/1986 of 5 April 1986 concerning the GLL).

## **5.6 Senegal**

National legislation applicable to the project is summarized in the following sections.

- **The right to a decent job**

The right to work is recognized as a holy right for every citizen. The State shall make every effort to help citizens to find a job and to keep it once they have obtained it. The State shall ensure equal opportunity and equal treatment of citizens regarding access to vocational training and vocational training and employment, without distinction as to origin, race, sex or religion. Art.L.1. of the Labor Code.

- **Type of employer**

Art. L.3 of the Labor Code - Any natural or legal person, under public or private law, employing one or more workers within the scope of Article L.2. is subject to the provisions of this code concerning employers and is considered an undertaking. Any natural person or legal entity, under public or private law, employing one or more workers within the scope of Article L.2. is subject to the provisions of this Code relating to employers and constitutes an undertaking. Any natural person or legal entity, under public or private law, employing one or more workers within the scope of Article L.2. is subject to the provisions of this Code relating to employers and constitutes an undertaking. The undertaking comprises one or more establishments made up of a group of persons working jointly in a given place (factory, premises or site) under a common authority representing the undertaking. A given establishment is always an enterprise. A single, independent establishment constitutes both an enterprise and an establishment. Exceptionally, the establishment may consist of only one person.

- **Working hours**

The Senegalese Labor Code (CTS) sets the maximum working time at 40 hours per week (8 hours per day). This does not include time for meal breaks. Working hours are the hours during which the worker is available to the employer. In the absence of collective agreements, an ordinance of the Minister



responsible for labor sets out the number of hours of overtime that may be allowed beyond the normal working hours and how they are to be paid. The project will pay overtime in accordance with Senegalese law.

- **Wages and withholding taxes**

Wages must be paid in currency that is legal tender in Senegal (ART L 114), notwithstanding any stipulation to the contrary. The payment of all or part of the salary in alcohol or alcoholic beverages is strictly prohibited.

Except in cases of force majeure, pay shall be made at the workplace or at the employer's office when it is close to the workplace. Under no circumstances may it be paid in a bar or shop, except for workers who are normally employed there.

Payroll is done during working hours. The time spent on the payroll is considered as working time and is paid as such.

- **Forced labor**

Forced or compulsory labor is prohibited under Art.L.4. The term "forced or compulsory labor" means any work or service which is required of any person under the menace of any penalty or punishment and for which such person has not offered himself voluntarily.

However, the term "forced or compulsory labor" does not include

- Any work or service required under military service laws and assigned to work of a military character;
- Any work or service required of an individual as a consequence of a conviction by a judicial authority.
- Any work or service required of an individual in the event of war, disaster and circumstances endangering or likely to endanger the life or normal living conditions of the conditions of the whole or part of the population.
- Community service as defined by the laws on civic obligations.

- **Freedom of expression and association**

Workers and employers have the right to establish and join employers' organizations of their choice, in accordance with the Senegalese Constitution and laws. Art.L.5. stipulates "In enterprises, workers and their representatives have the right to express themselves directly and collectively on the content, conditions and organization of work".

The purpose of this expression is to allow the worker to participate in the definition of actions to be implemented to improve their working conditions, the organization of work, the quality of production and the improvement of productivity in the work unit to which they belong in the enterprise.

- **Child labor and trafficking in persons**

The Employment and Working Conditions Provisions of the ESS 2 provide in paragraph 17 "A child who has not reached the minimum age prescribed in accordance with the provisions of this paragraph shall not be employed or engaged on the project. The labor management procedures shall set the minimum

age for employment and recruitment on the project at 14 years, unless national law prescribes a higher age.

Senegalese labor law provides for a higher age which is more advantageous to the protection of the child. In accordance with the provisions of paragraph 17 they will be applied. The provision of Senegalese legislation that allows exceptionally for a working age below the minimum age of 14 provided for in the ESS2, is a provision less conducive to the child and will not be applied in the context of HISWACA-SOP1.

Ministerial Order No. 3748 MFPTEOP\_DTSS dated 6 June 2003 concerns the prohibition of children under the age of 15.

- **About women's work**

Chapter II of the CTS deals specifically with the rights of women workers, including:

- Article L.141 which sets a minimum of eleven consecutive hours of rest for women; and
- Article L.142 which sets out the nature of work prohibited to women and pregnant women.

Article L.143 of Chapter II of this Code stipulates that a woman has the right to suspend her work for fourteen consecutive weeks, including eight weeks after childbirth, without this interruption of service being considered as a cause for termination of her contract. This suspension may be extended by three weeks in the event of duly certified illness resulting from pregnancy or childbirth. This possibility for the pregnant woman to suspend her employment contract for up to fourteen weeks is matched by an obligation on the employer not to employ her. During this period, the pregnant woman is entitled to special assistance to ensure both her subsistence and the care required by her condition, within the necessary for her condition, under the conditions provided for by social security legislation. Any agreement to the contrary shall be void as of right.

A pregnant woman whose condition has been medically certified or whose pregnancy is apparent may terminate the employment contract without notice and without having to pay compensation for termination. During the period of suspension of work, the employer may not dismiss the pregnant woman. Article L.144 - For a period of fifteen months from the birth of the child, the mother is entitled to rest for breastfeeding. The total duration of these rests may not exceed one hour per working day. During this period, the mother may leave her job without notice and without having to pay compensation for termination.

- **For people with disabilities**

National legislation recognizes the formal rights of disabled people or those with simple mobility difficulties to access public buildings and sites open to the public. The land offices that will be set up under HISWACA-SOP1 will strictly respect this legislation.

- **Employment contract**

**Civil servants** are governed by Law 061-33 of 15 June 1961 on the General Statute for Civil Servants, which specifies the conditions of recruitment, the mechanisms for managing disputes arising in the context of work and the conditions for termination of contracts or cessation of work.

**The fixed-term contract** is dealt with in Article L.41 of the Labor Code: "the fixed-term contract (CDD) is a contract whose duration is specified in advance according to the will of the parties. An employment contract concluded for the execution of a work or the achievement of an undertaking whose duration

cannot be precisely evaluated beforehand, is assimilated to a fixed-term contract. A contract whose term is subject to a future and certain event whose date is not exactly known is also considered a fixed-term contract.

In addition, in the context of the implementation of World Bank-financed projects, the World Bank's labor regulations apply to workers recruited by the projects or working on behalf of the project. These include guidelines and regulations such as the Guidelines for the Selection and Employment of Consultants by World Bank Borrowers, January 2011, revised version July 2014, and the Procurement Regulations for Borrowers Applying for Investment Project Financing (IPF), July 2016.

The terms and conditions established by the applicable laws and regulations include the principles of equity and equality in access to work. Senegal has ratified ILO Convention No. 29 on forced labor, 1930, on 4 November 1960.

- **Technical unemployment (Art. L.65 of the Labor Code)**

If a collective interruption is required as a result of cyclical or accidental causes, such as accidents to equipment, an interruption in motive power, a disaster, bad weather, an accidental shortage of raw materials, tools or means of transport, the employer may, after consulting the staff representatives, decide to make all or part of the company's staff technically unemployed, whether the employment contract is for an indefinite or definite period. When this technical unemployment is not provided for by the collective agreement or the company agreement, the labor and social security inspector must be informed in advance.

A company agreement may decide on the duration of the short time working and, where appropriate, the wages due to the worker during this period.

This section provides an overview of labor legislation in Senegal and covers the terms and conditions of work and working conditions.

**The Labor Code**, with its implementing decrees of 2006, lays down working conditions, particularly with regard to working hours and the contract for women and children.

The text also deals with Health and Safety in the workplace and indicates the measures that any activity must adopt to ensure hygiene and safety, which ensure a healthy environment and safe working conditions.

- **Occupational health and safety standards**

The key national legal standards relating to OSH based on the Constitution include

- Law 97-17 of 1 December 1997, establishing the Labor Code, which includes provisions on occupational health and safety in its Title XI, comprising 26 articles. The law establishes the concept of integrated safety by giving priority to collective prevention and making the creation of health and safety committees and occupational medicine services compulsory.
- Law 73-37 of 31 July 1973 on the Social Security Code, which, in Chapter IX of Title II (Articles 127 to 131), sets out the conditions for implementing the policy and programme for the prevention of occupational risks.
- The Environment Code established by Law n° 2001-01 of 15/01/2001 with:
  - Title II on the prevention and control of pollution and nuisances
  - Chapter III on waste management

- Chapter IV on harmful and dangerous chemical compounds.
- Decree n° 2001-282 of 12/04/2001 on installations classified for the protection of the environment in its title I
- Construction Code, covered by Law 2009-23 of 8 July 2009
- Sanitation Code, pursuant to Law 2009-24 of 8 July 2009
- Mining code, governed by Law n°2016 of 8 November 2016 on the mining code repeals Law No. 2003-36 of 24 November 2003 on the Mining Code with its Article 133 133, which deals with sanctions for violations of health and safety rules in mines and safety in mines and quarries
- Hygiene code established by Law n° 83-71 of 05/07/83 which deals in its chapter VI of the hygiene rules for industrial installations
- Water code established by law 81-13 of 04/03/81 with its title II on the qualitative protection of water quality
- Urban Planning Code, covered by Law 2008-43 of 20 August 2008, which deals in Book IV with rules relating to book IV of the rules relating to the art of building
- Code of the merchant navy object of the Law 2002-22 of August 16, 2002, in its 2002, in its chapter III paragraph 2, deals with security titles and pollution prevention certificates
- Law relating to import, refining, storage, transport, and distribution of hydrocarbons subject of Law 98-31 of 14 April 1998, particularly in its provisions relating to quality, safety, hygiene and environmental protection
- Decree 94-244 of 7 March 1994, which sets out the organisation and operation and functioning of the occupational health and safety committees
- Decree 2006-1253 of 15 November 2006 establishing a Medical Labor Inspectorate (IMT) and setting out its duties, which consist of ensuring the application of legal standards on OHS and the control of occupational medical services; this inspectorate has not been set up yet due to the lack of provisions creating the body of medical labor inspectors
- Decree 2006-1256 of 15 November 2006 laying down the obligations of employers in terms of safety at work
- Decree 2006-1258 of 15 November 2006 setting out the missions and rules for the organisation and operation of occupational health services (it repeals and replaces Decree 89-1329 of 7 November 1989, amended by Decree 90-888 of 9 August 1990) 90-888 of 09 August 1990)
- Decree No. 2006-1261 of 15 November 2006 setting out general health and safety measures and safety measures in establishments of any kind
- Decrees, including inter-ministerial order n°002312 of 09 March 2011 concerning occupational disease tables
- Provisions resulting from collective negotiations, set out in various sectoral collective agreements and company (or establishment), particularly National Interprofessional Collective Agreement (CCNI) of 27 May 1982
- Provisions of company internal regulations on occupational health and Safety

The Government of Senegal, through the Ministry of the Public, Labor, Social Dialogue and Professional Organisations (MFPTDSOP), organized the *Etats Généraux de la Sécurité et Santé au Travail (EGSST)* in 2013, in order to make an exhaustive diagnosis of the country's occupational safety and health conditions. Organizing the *Etats Généraux de la Sécurité et Santé au Travail* was an opportunity for the social partners to lay the foundations for a new occupational safety and health policy, in accordance with the provisions of Convention No. 155 (Occupational Safety and Health), Convention No. 161 (Occupational Health Services) and Convention No. 187 (Promotional Framework for Occupational Safety and Health) of the International Labor Organisation (ILO). However, the occupational health and safety policy developed in

2019 is not well known and important ILO Conventions are not ratified (notably C155 on radiation protection, C161 on occupational health services (...) and C187 on the Occupational Safety and Health Promotional Framework). Occupational risk prevention policies are framed by legal provisions that enact administrative measures, programmes and procedures and implementation plans, mainly carried out by stakeholders who are close to the workplace.

## 5.7 The Gambia

The national legislation on labor protection in The Gambia is based on the Constitution of the Republic of The Gambia, 1997, the Labor Act 2007 and the Joint Industrial Council Agreement for Artisans and General Workers. The key topics addressed in these legal instruments are as follows:

- **Non-Discrimination in Employment and in Wages**

The Labor Act prohibits discrimination against persons with HIV/AIDS and women with respect to maternity leave. Discrimination against women at the workplace is treated in more detail under the Women's Act of 2010 which categorically prohibits discrimination against women in employment giving "every woman the right to work on the basis of the same employment opportunities, including the application of the same criteria for selection in matters of employment." (Art. 16). Similarly, women have the right to equal remuneration, social security, and maternity benefits (Art. 18 Women's Act 2010). Other provisions of the Act include protection and safety at work, maternity leave and non-discrimination based on marital status.

However, there are no specific provisions in the Labor Act or the Women's Act against sexual harassment or violence/abuse in the workplace.

- **Working Hours and Overtime**

The Joint Industrial Council Agreement for Artisans and General Workers defines conditions of employment and sets the hours of work for Artisan and General Workers as forty-two hours a week of eight hours per day (Monday to Thursday) and five hours per day on (Friday and Saturday). For transport workers, the normal working hours are also forty-two hours per week.

With respect to overtime, workers are entitled to overtime payment as follows:

**Time worked on any day more than the normal number of hours:**

- a) on any day other than Sundays and Statutory Public Holidays: Time and Half
- b) on any Sunday (being a normal rest day): Double Time
- c) on Statutory Public Holidays: Double Time

- **Leave**

In addition to national holidays, employees have the following annual leave entitlement with the same employer:

- a) 1-3 years: 14 working days
- b) 3-7 years' service: 21 working days
- c) Over 7 years: 30 working days

Women's Act, 2010 provides for maternity leave "with pay at her normal rate for not less than six weeks immediately preceding the expected date of confinement and for not less than six weeks following that date" (Art. 20.1). The Act also provides for paternity leave for a period of ten days (Art. 20.2).

- **Wages and Deductions**

Presently, the official minimum wage is considered very low and not reflecting the current labor wages in the market. A new one has been prepared awaiting approval. In addition to wages, employers are also required to pay for work-related damages to health or property, and the next-of-kin are compensated in case of death but the claim should be made not later than six after the date of the employee. Deductions are allowed for specific reasons, but "total deductions shall not exceed one third of all remuneration due in that wage period (Article 77-Labor Act 2007). These may include deductions of a reasonable charge for food, drink, lodging, or clothing supplied by the employer to employee, deduction of an amount for recovery of an advance made to an employee or in order to adjust a previous over-payment of wages.' Art. 77 Labor Act 2007

- **Labor Disputes**

Individual labor disputes on matters between an employer and a worker or between an employer and a group of workers over matters such as terms or condition of employment or performance, demotion, suspension, or termination may be referred to the Commissioner of Labor or to the official of the trade union to which the worker belongs. The latter will bring the matter to the attention of the Commissioner for settlement. Where the Commissioner fails to settle the dispute, the worker or the trade union may bring the matter before the Industrial Tribunal set up by the Labor Act, 2007.

- **Freedom of Association and Collective Bargaining**

The Constitution of the Gambia, 1997, provides for "...the freedom of association, which shall include freedom to form and join associations and unions, including political parties and trade unions" Article 25, Subsection 1c). Under Article 107 of the Labor Act, 2007 workers have the right to establish and join workers' organizations of their choice.

- **Occupational Health and Safety**

The Labor Act 2007 addresses occupational health and safety issues under Articles 72 and 37.1(c). Article 72 establishes the obligations of the employer to ensure occupational safety through the supply, free of charge of safety equipment and safety devices, which the workers are required to use for their protection. Article 37 requires newly engaged or transferred workers to undergo training to undertake their work adequately and safely.

- **Forced Labor and Child Labor**

The Constitution of the Republic of The Gambia on labor conditions specifically prohibits the use of forced labor and child labor. Article 20 states under the relevant subsections as follows:

- No person shall be held in slavery or servitude
- No person shall be required to perform forced labor

Regarding child labor, Art 29.2 of the Constitution states that: "Children under the age of sixteen years are entitled to be protected from economic exploitation and shall not be employed in or required to

perform work that is likely to be hazardous or to interfere with their education or be harmful to their health of physical, mental, spiritual, moral or social development.”

The Labor Act 2007 (Art.45) also prohibits Child Labor.

## 5.8 Mauritania

Mauritania's regulatory framework will be addressed with reference to the legislative and regulatory texts including the Labor Code and the collective agreement, the relevant articles. The following points are highlighted:

- **The fixed-term contract** is addressed in Article 8 of the Labor Code of the Islamic Republic of Mauritania:
  - "The Fixed Term Contract (CDD) is a contract whose duration is specified in advance according to the will of the parties.
  - An employment contract concluded for the execution of a work or the implementation of a task, whose duration cannot be precisely evaluated beforehand (as in the case of the COVID-19 pandemic), is considered a fixed-term contract.
  - A contract whose term is subject to a future and certain event whose date is not exactly known is also considered a fixed-term contract.

In addition, in the context of the implementation of World Bank-financed projects, the World Bank's labor regulations apply to workers hired by the projects or working on behalf of the project. These include guidelines and regulations such as the Guidelines for the Selection and Employment of Consultants by World Bank Borrowers, January 2011 revised version July 2014, Procurement Regulations for Borrowers Applying for Investment Project Financing (IPF) July 2016.

- **The permanent contract**

The permanent contract is dealt with by Article 16 of the Labor Code: "any employment contract that does not meet the definitions of a fixed-term contract or a trial contract, as set out in Sections 1 and II of the Labor Code of the Islamic Republic of Mauritania, shall be considered a permanent contract.

- **Wages and deductions**

Contracts and collective agreements establish the form and amount of compensation for work performed. The legislator sets a minimum wage, which can be adjusted by an index if necessary. Work in the desert, other arid areas and mountainous areas is subject to compensation, and work in areas with adverse climatic and living conditions can be adjusted based on regional coefficients.

Employers are required to pay workers at least once a fortnight, i.e., a fortnightly instalment (Article 220: Payment deadlines). Employers must also pay for damage to health or property, and families are compensated in case of death.

- **Deductions**

Deductions are allowed for specific reasons but may not exceed the transferable portion. The amount due to the employee and the payment, after deductions, may not be less than the minimum rate determined by the legislator.

- **Women**

The Code in Article 247: Prohibition of certain work; it is prohibited to employ children under the age of eighteen, women and pregnant women in work which exceeds their strength or which, by its nature or the conditions in end or work prohibited only for children or only for women; (ii) the establishments where the employment of women and children is either prohibited or permitted under certain conditions.

- **Working hours**

The normal working week is 40 hours, less for those under 18. The number of hours per day and days per week is defined in the contract/agreement between the employer and the employee. Breaks for rest and meals must be provided, with the duration established in collective agreements. In addition, workers must have time to breastfeed their children if necessary. The details of the time off are laid down in the employment contracts and/or collective agreements.

- **Leave**

Mauritanian workers are entitled to several types of leave, including paid leave, annual leave, maternity leave and childcare leave and others. In addition to nine national days of paid leave per year (workers must receive at least 24 days of paid leave, with workers under the age of 18 receiving at least 30 days and disabled employees receiving 35 days.

In addition, those working in dangerous and difficult conditions must receive at least an additional seven days, or at least eight days if they work in adverse weather conditions.

Workers can also receive additional leave depending on their seniority. Unpaid leave may also be taken by certain groups of people and may also be covered by contracts.

On termination of employment, employees are paid for unused leave and can use leave for job search or as a deduction from notice.

Women are entitled to maternity leave of up to 70 calendar days, or 86 days in case of complications. Maternity leave is calculated in total and paid as a lump sum, regardless of the actual number of days of leave.

- **Overtime**

Overtime may be required for up to two hours a day for two days for workers with difficult working conditions and four hours a day in other jobs. Overtime must not exceed a certain number of hours per year (see Table 4).

**Table: Working hours and working days**

Summary: Hours regime	Working Day Hours (6 days)
Day shifts: from 6H to 14H Night shifts: from 16H to 24H Services performed between 10pm and 5am will be considered as night work	<ul style="list-style-type: none"> <li>- 40H to 48H will be paid at +15%</li> <li>- 48H to 54H at +40%</li> <li>- Beyond 54H at +50%</li> <li>- All night hours on working days, as well as daytime hours on public holidays and Sundays are at +50%</li> <li>- All night hours on public holidays and Sundays are at +100%</li> </ul>



- **Non-discrimination and equal opportunities**

The terms and conditions established by the laws and regulations in force include the principles of fairness and equality in access to work. Discrimination based on race, skin colour, sex, religion, etc. is prohibited. Decisions regarding the recruitment or treatment of employees within the Project will not be made on the basis of personal characteristics unrelated to the needs of the position concerned. Project workers will be employed based on equal opportunity and fair treatment and there will be no discrimination in any aspect of the employment relationship, including recruitment and hiring, remuneration (including wages and benefits), working conditions and terms of employment, access to training, job assignments, promotion, dismissal or retirement, or disciplinary action. Workforce management procedures will describe measures to prevent and combat harassment, bullying and/or exploitation in the workplace. Special protection and assistance measures to remedy discriminatory acts or to fill a particular position based on the specific needs of that position or the objectives of the project will not be considered discrimination, provided they are in accordance with national law. The Project will take appropriate protection and assistance measures for vulnerable persons working on the project, including those belonging to categories of workers such as women, persons with disabilities, migrant workers and children (of working age). These measures may be necessary at particular times, depending on the worker's situation and the nature of their vulnerability.

- **Labor disputes**

Labor disputes are "unresolved disagreements between the employer and the employee on the interpretation of the code and other normative legal acts laying down the working conditions provided for in the employment contract and collective agreements.

Disputes can be settled by commissions made up of an equal number of representatives of employees and employers, (with employee representatives elected by employees).

The commissions must review the problems within seven days. If the commission does not decide within seven days, any party can appeal to the courts.

Appeals to the commission or the court must be made within a limited period of time after the event that triggered the dispute: within three months for appeals to a commission and for varying lengths of time for appeals to the court.

Collective disputes are "unresolved disagreements between employers (employers' associations) and the workers' collective (workers' representatives) on the establishment and development of working conditions in organisations, the conclusion and implementation of collective agreements and arrangements, as well as on the application of the provisions of this code and other normative legal acts, agreements and collective arrangements". In collective disputes, the mediators are chosen by mutual agreement of the parties (i.e., the union and the employer's representatives) and must make its decision within 10 days.

Decisions are binding unless one of the parties opposes them within the time limit set by law. If no decision is taken within this period or if there is disagreement, a "labor arbitration court" is set up by the parties "with the participation of the local government authorities, who choose the members and the chairman of the arbitration. The arbitration has 10 days to make a decision. If an agreement cannot be reached, it is referred back to the labor collective or the union. The union can use all legal means to solve the problem, including strike action.

In addition, collective disputes can be subject to judicial review at the request of one of the parties.

- **Forced labor and child labor**

The Labor Code prohibits forced labor. The code also sets out the minimum age at which a child can be employed and the conditions under which they can work. This prohibition applies to any kind of forced or compulsory labor, such as indentured labor, debt bondage or similar types of employment. No victims of human trafficking will be employed on the project. Also, Mauritania ratified the International Labor Organisation's Forced Labor Convention No. 29 in June 1961.

The minimum age of employment is 14 years, but in some cases of vocational training, light work may be allowed.

In addition, there are certain restrictions on the type of work that can be done by workers under 18 and the hours of work that are permitted. Examples of work restrictions include that 14–15-year-olds may not work more than 24 hours per week, that under 18s may not be engaged in "heavy work, underground work and work with pests, in dangerous working conditions, as well as work likely to be harmful to their health, morale and physical development.

Young people between the ages of 16 and 18 cannot legally work more than 35 hours per week. It should be noted that this number of hours is reduced by half during the school year.

- **Trade union freedom**

All workers or employers of the same profession or of similar or related professions, of the same enterprise or of different enterprises, may freely associate for the defence of their common interests, without prior authorisation, provided that they fulfil the legal formalities provided for in the Code within the set time limit.

No one may be compelled to join or not to join a trade union. Any clause or agreement to the contrary shall be considered null and void.

## **5.9 Overview of African Union labor regulations and policies**

### **5.9.1 Harassment Policy**

The Union recognizes the right of all persons to be treated with dignity and respect and is committed to ensuring a workplace free from harassment, abuse, offensive behaviour and discrimination.

To pursue this goal, the Union does not tolerate any action or conduct that may be reasonably viewed as harassment or any retaliation related to such harassment against or by any staff member.

The Union will promote a work culture in which every employee knows and is able to carry out his or her personal responsibilities for maintaining the dignity of work colleagues.

Complaints of harassment are taken seriously by the Union. Any conduct that is found to constitute harassment will be dealt with in a manner consistent with the severity of the misconduct, including appropriate administrative and disciplinary manners.

#### **Preventive Measures**

The Union shall ensure that all staff members are informed of the required standards of conduct and of this policy and shall also ensure that all staff members are aware of their responsibilities and rights, and how to obtain support if needed.

New employees will be briefed on this policy during orientation sessions. Training and information shall be provided to staff members, including managers and supervisors, on issues related to unacceptable behaviour, including harassment and measures for its prevention, to increase awareness on these issues and promote a harassment free work environment.

Managers and supervisors shall support this commitment. They shall be responsible to set a positive example in their daily actions and communications with colleagues; they must clearly communicate that harassment behaviour shall not be tolerated. They shall take all necessary measures to create a work environment free of harassment and other unacceptable behaviour and where everyone feels free to express concerns. They shall make themselves available to those who wish to raise concerns in confidence.

The African Union Commission, organs of the Union, agencies and institutions, shall handle complaints promptly, impartially and in a sensitive manner, in accordance with the relevant procedures. Confidentiality of staff members shall be reasonably protected. The safety and wellbeing of the relevant parties shall be maintained and the interests and reputation of the Union protected.

Where necessary, the Union shall take disciplinary or other corrective measures to deal with breaches of this policy.

#### Responsibility of Staff Members

All staff members are responsible for collaborating to create a productive and creative work environment where colleagues are treated respectfully and with dignity, and which is free of all forms of unacceptable behaviour, including harassment. They shall be mindful of their own personal behaviour at all times. They shall understand the standards of conduct required and the kinds of behaviour that are potentially unacceptable and/or harassing. They shall attend any relevant training.

Staff members are also responsible for taking assertive action should they feel they are being subjected to unacceptable behaviour. Staff members that are witness to a situation where unacceptable behaviour occurs must act to stop this behaviour by: talking to the person being offended and encouraging that person to seek advice or report the behaviour; tell the offender that the behaviour is inappropriate; or seek advice from a supervisor.

#### Resolution procedures: Resources persons

Staff members may seek advice or report incidents of unacceptable behaviour to any of the following persons:

- a) **An Ethics Officer** is best qualified and placed to give advice on cases of unacceptable behaviour that is defined as chronic or of a sexual nature. S/he would attempt to resolve the issue informally, and/or start the formal resolution process. With an independent and impartial Ethics Officer on board, matters of concern can be raised and addressed without fear of retaliation and support and advice on harassment issues can be provided.
- b) **HR Officers** can provide support and advice on any form of unacceptable behaviour, what are the appropriate procedures and steps required to informally and/or formally raise a complaint.

- c) **Supervisors/managers** may provide support or advice regarding unacceptable behaviour. They have an obligation to report to the Ethics Officer any form of unacceptable behaviour they have witnessed or that has been reported to them.
- d) **Counselling Service:** The Medical Centre has a Clinical Psychologist on board, who is available for support.
- e) **Members of the Staff Association Executive Committee** are available for support and advice regarding unacceptable behaviour or other related issues.

Resource persons shall at all times maintain confidentiality of reported incidents of unacceptable behaviour and shall commit to maintaining such confidentiality.

#### Overview of the resolution process

Complainants have the right to choose either informal or formal channels for resolving a dispute. Every effort should be made to resolve problems early and informally through open communications and in a cooperative manner. The complainant may also proceed directly to formal resolution procedures. Anyone experiencing unacceptable behaviour should keep a note of the details, dates, times, circumstances and witnesses of incidents, including a note of any ways in which the incidents have affected them personally or their ability to work effectively.

In his or her initial consultation with any of the resource persons listed above, the complainant should communicate clearly the outcome expected. Resource persons will not act unless requested by the complainant. The above-mentioned resource persons shall immediately consult with the Ethics Officer if the alleged unacceptable behaviour is chronic or of a sexual nature.

#### 5.9.2 Staff Regulations and rules

The Staff Regulations and Rules define the conditions of service, rights, duties and obligations of the Staff Members of the African Union (Union). It sets out the broad human resource policies for the staffing and administration of the Commission and other organs of Union. They address the rights and obligations of the Union as well as embody the terms, conditions of service, basic rights, duties and obligations of all Elected Officials and staff members.

The basic guiding principle in determining the conditions of service of staff members is the need to secure the highest standards of efficiency, competence, integrity, motivation, and development of staff members to their full potential for the realization of ideals within the objectives of the Union whilst satisfying their legitimate desire for self-realization.

Key components of the SRR relevant to the project are documented below.

#### **Working Hours and Official Holidays**

All staff members shall observe the forty (40) working hours a week. Where the usual office hours of a staff member are insufficient to deal with the pressure of work, it is his or her duty, whenever it becomes

necessary to do so, to work outside working hours. Such staff member shall, subject to their eligibility, be duly compensated in accordance with the provisions of these Rules.

Staff members shall be entitled to the following official holidays with pay:

- 25 May (Africa Day); and 9 September (Africa Union Day)
- Other official holidays shall be published in January of every year and circulated by management to the Union staff.
- Legal and Public Holidays observed by the host country at the duty station.

Staff members who are nationals and citizens of a country which observes a National Day shall be entitled to one (1) day official holiday with pay per year provided such request is made in writing and approved by the Chairperson or the competent authority of any other organ and the approved leave is taken on the day the National Holiday is celebrated in the staff members' state;

Where an official holiday falls on a weekend, staff members will have only one (1) day in addition to their annual leave.

### **Outside Activities and Interests**

Staff members shall not engage in any continuous or recurrent occupation, profession, or undertake any activity of any nature whatsoever that is incompatible with these Rules, or the proper performance of their official duties or is inconsistent with their status as international civil servants.

In no case shall a regular, continuing regular and fixed term appointment staff member hold any public or private employment or accept an active management position in a business, commercial, or other similar activity while serving the Union;

Staff members shall not offer themselves for elective political posts in any state while in active service with the Union. He or she shall first resign from the service of the Union.

The Chairperson or the competent authority of any other organ or his/her duly authorized representative may permit in exceptional cases a staff member to engage in any non-profit and apolitical activity outside his/her assigned duties including the following:

- i. Professional or academic engagements in the line of the staff members specialization, which are not of a continuous or recurrent nature;
- ii. Participation in national functions compatible with the aims and objectives of the Union;
- iii. Part-time lecturing or tutoring in a training or educational institution;

Where a staff member cannot discern what constitutes outside activities or interests as provided for in these Rules, he or she may seek clarification from the Chairperson or the competent authority of any other organ or his/her duly authorized representative.

### **Obligations related to confidentiality of Information**

By virtue of their status as international civil servants, Staff members shall be bound by the ethics of professional secrecy and loyalty and shall be prohibited to communicate or divulge any confidential

information, documents, facts coming to their knowledge in the course of their official duties to anyone or entity except with the permission of the Chairperson or the competent authority of any other organ.

Staff members shall not, except with prior authorization by the Chairperson or the competent authority of any other organ or his/her duly authorized representative, perform any of the following acts, where such acts relate to the purposes, activities, or interests of the Union:

- a) Issue statements to the press, radio, or other agencies of public information;
- b) Accept speaking engagements;
- c) Take part in film, theatre, radio or television productions;
- d) Submit articles, books or other material for publication in relation to their work in the Union.

### **Staff salaries and Payment**

The salary scales of staff members in Groups I, II, III and IV shall be determined in accordance with the salary structure approved by the Assembly and may be reviewed in a manner prescribed by the Executive Council. The review of salaries and allowances shall be carried out every three years from the effective date of the last review.

All staff members shall be paid salaries and wages applicable to their terms and conditions of employment but subject to the principle of equal remuneration for work of equal value.

All staff members performing the same duties or comparable work, whether on short-term, fixed term regular or continuing regular shall receive similar salary.

Except where specifically stated in their letters of appointment, staff members on short-term contracts shall not be entitled to or be eligible for any other remuneration, benefits or privileges other than their monthly salaries specified in the contract or agreement.

Overtime allowance for eligible staff members and compensatory leave shall be granted where applicable in conformity with Staff Rules and Regulations. Salaries shall be fixed at an annual rate and paid in twelve equal instalments, each instalment becoming payable on the 25th day of the month in which it is due. Salaries shall be paid in all applicable cases net of all institutional deductions such as contribution to the pension scheme and Staff Association

### **Criteria for Recruitment**

The recruitment process shall be competitive and conducted transparently without any form of discrimination such as and not limited to race, sex, nationality, political affiliation, religion and gender.

In any recruitment, appointment, transfer and promotion, preference shall be given to persons with the highest standards of efficiency, competence and integrity alongside the need to promote gender balance and equality.

Due consideration shall also be given to the principle of regional distribution and country quota in the recruitment of Professional category (Group II) staff members as provided for in the Rules. (d) Without prejudice to the need for recruitment of fresh talents at all levels, due consideration may be given to persons already in the service of the Union with competent qualification and experience who shall compete for the post through a competitive assessment process.

**Staff leave**

Subject to the recruitment category, staff members shall be entitled to Annual Leave, Home Leave, Special Leave, Medical Leave, Maternity Leave and other leave as stipulated in the Rules. No leave shall be valid until it is authorized by the Chairperson or any competent authority of any other organ.

**Medical assistance**

The Union shall provide medical assistance to staff members based on the terms and conditions of their appointment.

All regular and continuing regular staff members and their eligible dependents shall be entitled to full medical benefits offered by the Union at any duty station in compliance to Medical Assistance Plan as stipulated in Rule 78.1. In a situation where medical facilities and services are not adequate and effective to meet the medical needs of a staff member and his or her eligible dependents at the duty station, the Union shall, upon the recommendation of the AU Medical Panel, evacuate the staff member or eligible dependents to appropriate place where medical facility is available.

Fixed-term staff members shall receive the same medical benefits as those enjoyed by regular and continuing regular staff members in compliance with the Medical Assistance Plan unless their contracts specifically stated otherwise.

Short-term staff members shall receive medical benefits provided for by the Union at the duty station in accordance with the Medical Assistance Plan unless their contracts specifically stated otherwise. . (d) Consultants and contractors for special services shall not be eligible to receive free medical benefits from the Union. Where any staff member under the said category seeks and receives medical services from the Union, the Director of Medical Services shall submit to him or her the proper invoice and the Finance Department or any department in charge of preparing salary payments shall make immediate deduction of incurred expenses from the Consultant's and Contractor's salary.

Unless otherwise specifically stated in the appointment letter, all staff members on secondment to the Union or who are seconded by the Union shall receive medical services conforming with the classification of their appointments.

The Union shall provide free medical consultation services to eligible staff members of African Embassies in Ethiopia and their dependents as well as to delegates of Member States attending African Union official meetings.

Notwithstanding the above provisions, the Chairperson or any competent authority of any organ may authorize, in an appointment letter, the receipt of medical benefits to an official or a staff member or, upon receipt of a written request for medical assistance on humanitarian grounds, by a staff member or anyone affiliated with the organization.

Retirees of the Union shall be entitled to free medical consultation services in AU Medical Centres or approved clinics in their member state home countries.

## 5.10 Overview of ECOWAS labor regulation

### 5.10.1 Labor Policies and Guidelines

ECOWAS adopted a labour and employment policy in 2009 in Abidjan at the Abidjan conference of labour and employment ministers of the various member countries.

The objective of this policy is to promote the rational use of human resources to stimulate development in the sub-region. The objectives of this labour and employment policy include

- To promote the harmonisation, coordination, use and implementation of common policies and programmes across member countries;
- Laying the foundations for equal treatment in the workplace;
- Support the eradication of child labour;
- Develop the promotion of occupational health and safety;
- Ensuring worker/employment protection;
- Strengthening social dialogue;
- Encouraging dispute prevention and resolution;
- Strengthening trade unions;
- Controlling labour migration etc.

The ECOWAS labour and employment policy aims to cover the following priority areas to which Member States are committed to:

1. **Principle of subsidiarity:** which defines and justifies the added value and respective roles of each type of stakeholder: regional and international (ECOWAS Commission, ILO, regional umbrella organisations) who intervene only in areas where national action has not been sufficiently effective; and national stakeholders consisting of representatives of the state, workers and employers, civil society, etc.
2. **Labour market regulation and employment conditions for the formal and informal sectors.** This involves the promotion and overall harmonisation of labour market regulations in the region, and covers both the formal and informal sectors.
3. **Promotion of dignified and decent employment:** improving employment opportunities for young people; eradication of child labour; eradication of trafficking in persons for labour exploitation; eradication of gender gaps in employment and pay.
4. **Promoting labour migration and integration:** promoting the rights of migrant workers; eliminating trafficking in persons; creating an enabling environment for migrants, especially those in the diaspora, for the development of their countries.
5. **Child labour.** ECOWAS shall adopt the necessary measures to eradicate child labour; encourage child development and education; discourage child employment; and encourage tripartite assessment of child labour issues in relation to labour issues.
6. **Trafficking in persons.** ECOWAS shall adopt the necessary measures to eradicate trafficking in persons for labour exploitation, including the establishment of a tripartite mechanism to assess labour trafficking issues.
7. **Equal opportunities in the workplace.** Member States are urged to promote the following trilogy in the workplace: promoting equality between men and women; tackling discrimination; and integrating people with disabilities. In this regard, all Member States must address anti-discrimination and stigma legislation and gender mainstreaming issues so that equal opportunities, equal pay and equal access are guaranteed to all citizens and implemented.



8. **Adequate, financially sustainable and modern social security systems.** Member States are required to ensure income security and financial autonomy in particular for disadvantaged groups.
9. Occupational safety and health in the workplace. Member States are urged to promote occupational health and safety measures in the workplace and to provide cross-border health care for all, particularly with regard to the scourge of HIV/AIDS, malaria and infectious diseases.
10. Promotion of social dialogue and tripartism. Member States are enjoined to promote representativeness and inclusiveness in order to prevent/reduce/resolve conflicts, achieve participatory/industrial democracy and harmony in the workplace.

ECOWAS has also developed the Guidelines on Minimum Standards for the Harmonisation of Labour Law in ECOWAS Member States. There are twelve parts to this document, the most important being:

- Part II - Freedom of movement and freedom to work
- Part III - Right to fair remuneration and wage protection
- Part IV - The right to employment protection
- Part V - Equal treatment for men and women workers
- Part VI - Prohibition of child labour and protection of young workers
- Part VII - Protection of safety and health at work
- Part VIII - Respect for the dignity of men and women workers
- Part IX - Freedom of association and collective bargaining
- Part X - Right to information, consultation and representation
- Part XI - Right to social protection

Importantly, these ECOWAS directives on minimum standards for the harmonisation of labour law in member states are broadly met by all countries. Indeed, all ECOWAS countries have adopted and implemented a relatively comprehensive set of laws and regulations on labour law and conditions of use of labour.

All ECOWAS member countries are signatories to ILO and United Nations conventions and treaties on working conditions and respect for workers' rights including:

- a) Convention No. 29 on Forced Labor, ILC, 14th Session, Geneva, June 1930. b) Convention No. 87 on Freedom of Association and Protection of the Right to Organize, ILC, 31st Session, Geneva, June 1948
- b) c) Convention No. 98 on the right to organize and collective bargaining, ILC, 32nd session, Geneva, June 1949
- c) Convention No. 100 on equal remuneration, ILC, 34th session, Geneva, June 1951. e) Convention No. 105 on the abolition of forced labour, ILC, 40th session, Geneva, June 1957. f) Convention No. 111 concerning discrimination (employment and occupation), ILC, 42nd session, Geneva, June 1958
- d) Convention No. 138 on minimum age, ILC, 58th session, Geneva, June 1973. h) Convention No. 182 concerning the prohibition of the worst forms of child labor and the action with a view to their elimination, CIT, 87th session, Geneva, June 1999.
- e) C190 - Violence and Harassment Convention, 2019 (No. 190). j) Regulation C/ REG13/06/13 establishing the Regional Tripartite Social Dialogue Forum of the ECOWAS

In addition to the above references, Regulation C/REG13/06/13 establishing the ECOWAS Tripartite Social Dialogue Regional Forum will be applied. Regulation C/REG 13/06/13 stipulates for employers and

workers the promotion of social dialogue at all levels as well as compliance with labor legislation at national level.

The terms established by the legal provisions in force include the principles of equity and equal access to work. Any discrimination based on race, color, sex, religion, etc. is prohibited. ILO texts and conventions, the basis of ECOWAS regulation C/REG 13/0613, provide for provisions in terms of remuneration, working hours and worker's rights, including leave and freedom to join to the workers' organization of his choice. The project must provide for the provision of all this information to any newly recruited worker; inform staff of any modification occurring during the contract as well as at the end of the contract. Workers will be informed of all withholdings and deductions at source that will be made on their remuneration in accordance with the provisions of the laws and regulations applicable to them

#### 5.10.2 Labour management

The project will comply with the following provisions in the management of labour:

##### **Freedom of movement and freedom of work**

Any citizen of a ECOWAS Member State has the right to practice his/her trade or profession in any other State within the Community, without restrictions, except such as is necessary for the proper and effective regulation of the trade or profession in the host State.

Forced or compulsory labour shall be abolished in all its forms, as defined by ILO Convention No 29 on Forced Labour 1930. Definite and appropriate measures to shall be taken eradicate human trafficking so as to eliminate servitude and slavery within and out of the Community.

##### **Fair remuneration and salary protection**

Each beneficiaries' countries undertakes to provide, by legislation, collective agreements, regulations, arbitral award, or court decision, fair remuneration and a reasonable standard of living for all workers. Their duty is also to ensure, through methods suited to national conditions and practice that wages of workers are paid at regular intervals and in legal tender. Deductions from wages of workers are prohibited except as permitted by law, collective agreement, arbitral award or judicial decision.

##### **Employment protection**

It is important to guarantee the protection of all fundamental rights of workers within its territory, in accordance with its constitution or other legislation, provided that the rights guaranteed by such constitution or other legislation correspond with the ECOWAS, regional and internationally accepted minimum standards for decent work. Every contract of employment shall contain information on the fundamental terms of the contract. Employment protection also involves

- to provide reasonable opportunities or facilities for skills acquisition or vocational training, for every worker, within its territory, in so far as local conditions and resources permit.
- Employer to provide workers living with disabilities, reasonable facilities, to enhance their job mobility, performance and assessment.
- protect the right of every pregnant worker to maternity leave and maternity pay in accordance with internationally accepted minimum standards.
- Make it unlawful for an employer to terminate the employment of a woman worker on grounds that such a worker is either pregnant or on maternity leave
- prohibit the dismissal of a worker by an employer without valid reason.

### **Equal Treatment for Men and Women Workers**

All forms of discrimination in employment based on the country or state of origin, ethnic origin, race, religion, sex, age, family status, pregnancy, health status or disability of a worker or person, or any other consideration which is incompatible with regional and global best practices is strictly prohibited. Equal opportunity for men and women in employment shall be strictly maintained in accordance with the national laws, regulations and policies. All forms of discrimination in relation to access to, or continuance in employment, based on the worker's family status and responsibilities shall be prohibited. Measures to reconcile worker's responsibilities at work, and family obligations, in order to achieve a reasonable work-life balance shall be adopted.

### **Prohibition of Child Labour and Protection of Young Workers**

The minimum age for admission to employment and work shall not be less than 15 years, in compliance with the provisions of ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment, 1973 and ILO Recommendation 146. All worst forms of child labour shall be eradicated in line with the provisions of ILO Convention No. 182 concerning Worst Forms of Child Labour 1999. Any type of work likely to jeopardize the health, safety or morals of young persons over 15 years of age but under 18 years, are prohibited, except that exemptions may be granted for certain trades or profession, where necessary, for the purpose of apprenticeship, or training of a young person.

### **Respect for the Dignity of Men and Women Workers**

The beneficiaries' countries shall, by law, regulation, or collective agreement, ensure the protection of every worker's right to privacy. The terms and conditions under which the employer may handle the personal data of a worker must be made subject to the provisions of the national laws, regulations and collective agreements. The use of employers social media platforms by workers for personal purposes shall be strictly prohibited, except as may be permitted by law or by the employer from time to time.

### **Freedom of Association and Collective Bargaining**

All workers without distinction whatsoever, shall have the right to establish and subject only to the rules of the organisation concerned, to join organisation of their own choosing without previous authorisation in accordance with article 2 of the ILO Convention No.87, 1948. They also have the right to draw up their constitutions and rules, to elect their representatives, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes as stated in article 3 of ILO Convention No 87, 1948.

Deductions and remittance of trade union subscriptions shall be in line with national laws. In line with ECOWAS Decision A/DEC.2/7/86, the system of check-off shall be applied in all member states of the Community in order to improve the financial position of the national trade unions as well as that of their regional Organisation: Organisation of Trade Union of West Africa (OTUWA). All workers' unions and all employers' organizations are given adequate protection against any act of interference against one or the other from the public authorities.

The protection of the right to strike of workers in conformity with international conventions, regional and national laws shall be guaranteed.

### **Right to Information, Consultation and Representation**

Workers have the right to be informed or consulted either directly, or through the duly elected representatives, before management takes a decision which may have direct or indirect consequences on the organization of work in the company, in particular, on the status of the worker. Thus, particular measures need to be taken to prevent any form of direct dissemination of information from the management, or from the representative of management to workers, from creating friction between workers and their duly elected or chosen representatives, or their organizations.

Workers have to exercise their right to freedom of expression individually or collectively, on any matter or issue relating to the workplace, are not victimized.

### **Right to social protection**

In terms of right to protection, individual worker has right to social security and social protection and measures will be defined to provide social protection to workers.

#### **5.10.3 Occupational health and safety regulations**

Occupational health and safety requirements are provided in Directive on Minimum Standards towards the Harmonization of Labour Laws of ECOWAS Member States, especially in Part VII – Protection of Occupational Safety and Health. The Directive stipulate that each Member State has responsibility to make laws, regulations or policies for the protection of the occupational safety and health of workers.

Measures for the prevention, protection and continuous improvement of the safety and health of the work environment, and of all workers will be adopted in accordance with the provisions of Convention No. 155 concerning Occupational Safety and Health and the Working Environment 1981, and other instruments.

According to the Directive beneficiaries' countries of HISWACA-SOP1 shall take steps to guarantee to every worker, the right to be informed of the likely occupational hazards or risks inherent in the particular work to which the worker is assigned. They shall, in consultation with employers and employees, make suitable and adequate provisions for the training of workers on safety and health standards in the workplace, including the use of protective facilities or gadgets.

It is important for the beneficiaries' countries to ensure that special measures are taken by employers to safeguard the safety and health of night and underground workers. They shall, by law, regulation, policy or collective agreement, ensure that every worker has access to medical examination, at the cost of the employer, at the inception of the employment, and at periodic intervals, during the course of employment. Workers who perform particularly hazardous jobs shall be entitled to special medical supervision.

In compliance with the Directive on Minimum Standards towards the Harmonization of Labour Laws, they shall:

- a) Prohibit the termination of the contract of employment of any worker who suffers an occupational accident or an occupational disease while such worker is undergoing therapy, and/or rehabilitation.
- b) Ensure that the wages of the affected worker shall be paid in accordance with national laws, collective agreements and practices.

- c) Provide that a worker who after rehabilitation is declared fit by a qualified medical practitioner to return to work is entitled to be reabsorbed to the position occupied immediately before the accident or disease, or to another position commensurate with his former position and skill.
- d) Ensure that where reabsorption is no longer possible thus leading to termination of the employment, the worker shall be entitled to damages in accordance with the national laws and practices.

The Protection of Occupational Safety and Health involved also for beneficiaries' countries to take steps to the protection of the right of a every worker to a conducive work environment free from physical violence or threats of violence, including sexual harassment emotional and mental harm.

Finally, it is important for the beneficiaries' countries to ensure the enforcement of laws, regulations and policies for occupational safety and health through effective and appropriate safety and health inspection strategies, together with adequate sanctions against defaulters.

## **5.11 Overview of WAEMU Regulations**

**5.11.1 Creation of Labour and Social Dialogue Council**  
A consultative body called the "Labour and Social Dialogue Council" was created within WAEMU, with the mission to ensure the participation of the social partners and civil society in the achievement of the Union's objectives. The Labour and Social Dialogue Council aims to achieve the effective involvement of all non-state actors in the WAEMU integration process.

The CTDS is a consultative body and its objective is to achieve the effective involvement of all non-state stakeholders in the WAEMU integration process. As such, it is responsible, among other things, for:

- Examining and assessing any issue likely to have a social impact in the Union;
- Strengthening the mechanisms for consultation and tripartite dialogue within the Union;
- Support for the consolidation of the social dialogue process and structures in the member countries.

The CTDS gives opinions, on its own initiative or that of the Member States, the Council of Ministers, the Commission, employers' representatives and workers' representatives, on the possible social consequences of any Community proposal.

### **5.11.2 NOTICE N° 016 / 2022 on the Prevention productivity and sustainable development approach in the West African Economic and Monetary Union Member States**

The CTDS adopted the NOTICE N° 016 / 2022 on the Prevention productivity and sustainable development approach in the West African Economic and Monetary Union Member States.

This notice was adopted considering the importance of safety and health in all workplaces to enable workers to work in a safe and healthy environment where risks are controlled. Recognising also that a good protective system in the workplace is essential for the preservation of the physical and mental health and physical integrity of the worker. The high frequency and severity rates of occupational accidents and diseases have dire consequences for the worker and their impact on his/her job and family. The high costs of caring for the many victims of occupational accidents and diseases make it worthwhile to promote

preventive measures to reduce these costs and promote healthy jobs for the harmonious development of the enterprise.

The Notice makes a number of recommendations including:

#### Recommendations to WAEMU commission

1. Encourage Member States to adopt appropriate legislation and policies, including Occupational Safety and Health Codes;
2. To encourage Member States to strengthen labour administration systems on matters relating to the promotion of occupational safety and health;
3. To encourage Member States to establish a High Council for the Prevention of Road Traffic, Disaster and Workplace Risks;
4. Consider collaboration with the Inter-African Association for Occupational Risk Prevention (IAPRP) in the framework of a joint strategy for the mobilisation and promotion of Occupational Safety and Health (OSH) within WAEMU Member States;

#### Recommendations to Members States:

5. Ratify and implement the following relevant international legal instruments
  - i. Convention No. 155, Recommendation No. 164 and the 2002 Protocol on Safety and Health of Workers ;
  - ii. Convention No. 161 and Recommendation No. 171 on Occupational Health Services
6. Implement the Fundamental Principles and Rights at Work (FPRW) in its aspects concerning Occupational Safety and Health for those States that have not ratified these Conventions.
7. Adopt national policies on Corporate Social Responsibility (CSR) and Occupational Safety and Health (OSH) with national programmes to contribute to the creation of safe and healthy working conditions.
8. Take all appropriate steps to develop Occupational Safety and Health Codes.
9. Strengthen the activities of social welfare institutions through the implementation of awareness-raising actions and the provision of care for victims of occupational accidents and/or diseases.
10. Support companies in their efforts to promote occupational safety and health by facilitating the acquisition of personal and collective protective equipment (PPE) and by providing appropriate technical support for the management of occupational safety and health.
11. To strengthen the means of intervention and the technical skills of the Labour Inspectors and Supervisors who, about their missions, constitute a strategic institutional actor in the promotion of Occupational Safety and Health.
12. Take specific measures to recruit Labour Inspectors and create, through incentives, the conditions for their continued employment in the civil service.
13. Establish coordination and sharing platforms between state institutions to enable their involvement and cooperation in the advent of a preventive culture in the field of occupational safety and health.

#### Recommendations to employers and their organizations:

1. Establish OSH policies, training programmes and awareness raising activities to promote OHS and comply with social legislation.

2. Implement pilot projects to enhance and make effective the concept of prevention and productivity.
3. Establish protocols within companies to implement preventive measures in the event of a pandemic and to ensure the protection of workers by guaranteeing the continuity of the company's service or productivity.
4. Set up Occupational Safety and Health Committees ((OSHCs) within companies and provide them with the means and technical support necessary to carry out their tasks of raising awareness and preventing the spread of the disease among workers.
5. Set up social and medical structures with appropriate staff (doctors, social workers and psychologists) to be involved in the prevention of occupational accidents and diseases and to ensure, in conjunction with the social security institutions, effective care and regular monitoring of victims.
6. To take into account Occupational Health and Safety in the preparation of the social balance sheet and to share all the statistics collected in this respect with the institutional stakeholders, particularly the Labour Inspectorate and the National Social Security Institution.
7. Implement Corporate Social Responsibility (CSR).

#### Recommendation to workers' organisations:

1. Establish mechanisms for collaboration with institutional actors to better involve themselves in the implementation of programmes, multi-faceted initiatives and actions to promote Occupational Safety and Health;
2. Establish OHS inter-union groups to strengthen workers' education in OHS;
3. Set up training programmes and awareness raising activities to promote OHS within their respective organisations;
4. Play a role in monitoring and reporting unsafe work situations not resolved by employers by referring to the Labour and Social Security Inspectorate any complaint or claim in the field of occupational safety and health which it is responsible for monitoring;

#### Recommendations to technical and financial partners

1. Support training and capacity building activities in companies, public administrations and local authorities on Occupational Safety and Health (OSH);
2. Be involved in strengthening the technical skills of the Labour Inspectorates by implementing training activities and facilitating the acquisition of technical working tools on Occupational Safety and Health (OSH);
3. To strengthen the skills of the members of the Technical Commissions of the CTDS on tools and techniques in the field of occupational risk prevention;
4. Be involved in awareness-raising activities for the general public on occupational safety and health (OSH) issues.

#### 5.12 World Bank Environmental and Social Framework

The World Bank ESF seeks to support borrowers to develop and implement environmentally and socially sustainable projects as well as build capacity in the assessment and management of environmental and social impacts and risks associated with the implementation and operation of projects. The ESF contains environmental and social standards that borrowers must apply to all projects for the projects to be sustainable, non-discriminatory, transparent, participatory, environmentally and socially accountable as

well as conform to good international practices (as per the U-ESMF).<sup>6</sup> The applicable standards related to labor are included below (ESS2, 4 and 10) in Table 3.

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

The Environmental, Health, and Safety (EHS) Guidelines are technical reference documents with general and industry-specific examples of Good International Industry Practice and set specific minimum design and operating standards (such as for emissions, discharge or exposure limits) in regard to the environment, occupational health and safety, community health and safety, and life cycle impacts including during construction, operation and decommissioning. The General EHS Guidelines are designed to apply to all projects and all sectors.

Effective management of environmental, health, and safety (EHS) issues entails the inclusion of EHS considerations into corporate and facility-level business processes in an organized, hierarchical approach that includes the following steps:

- Identifying EHS project hazards and associated risks as early as possible in the facility development or project cycle, including the incorporation of EHS considerations into the site selection process, product design process, engineering planning process for capital requests, engineering work orders, facility modification authorizations, or layout and process change plans.
- Involving EHS professionals, who have the experience, competence, and training necessary to assess and manage EHS impacts and risks and carry out specialized environmental management functions including the preparation of project or activity-specific plans and procedures that incorporate the technical recommendations that are relevant to the project.
- Understanding the likelihood and magnitude of EHS risks, based on
  - The nature of the project activities, such as whether the project will generate significant quantities of emissions or effluents or involve hazardous materials or processes.
  - The potential consequences to workers, communities, or the environment if hazards are not adequately managed, which may depend on the proximity of project activities to people or to the environmental resources on which they depend.
- Prioritizing risk management strategies with the objective of achieving an overall reduction of risk to human health and the environment, focusing on the prevention of irreversible and / or significant impacts.
- Favoring strategies that eliminate the cause of the hazard at its source, for example, by selecting less hazardous materials or processes that avoid the need for EHS controls.
- When impact avoidance is not feasible, incorporating engineering and management controls to reduce or minimize the possibility and magnitude of undesired consequences, for example, with the application of pollution controls to reduce the levels of emitted contaminants to workers or environments.
- Preparing workers and nearby communities to respond to accidents, including providing technical and financial resources to control such events effectively and safely, and restoring workplace and community environments to a safe and healthy condition.

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<sup>6</sup> The six (6) applicable Environmental and Social Standards (ESS) are: 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; ESS8: Cultural Heritage; ESS 10, Stakeholder Engagement and Information Disclosure.



- Improving EHS performance through a combination of ongoing monitoring of facility performance and effective accountability.

Stipulated performance levels and measures are “generally considered to be achievable in new facilities by existing technology at reasonable costs”.

Table 3: Relevant World Bank Environmental and Social Standards on Labor and Working Conditions: HISWACA-SOP

ESS	Key Requirements	Status	Remarks/Comments
<b>Environmental and Social Standard 2 (ESS2): Labor and Working Conditions</b>	It is to ensure a safe, healthy and conducive working environment for workers and ensure that the environment is free of forced and child labor as well as other forms of intimidation, discrimination and harassment. ESS2 also ensures that workers have channels for grievance redress, freedom of association and access to collective bargaining rights as prescribed by national law. The standard also seeks to protect vulnerable workers. The Labor and Working Conditions requirements cover to direct, indirect, community and contracted workers as well as primary supply workers on Bank -financed projects.	Relevant	<ul style="list-style-type: none"> <li>The project will employ workers, including enumerators, field supervisors, data entry clerks and site workers who need to provide their services in a safe environment devoid of discrimination, SEA/SH, intimidation, child and forced labor as defined by in-country laws.</li> <li>Project workers need to be informed about SEA/SH risks and sign code of conduct detailing unacceptable behaviors (including SEA/SH) and sanctions for misconduct.</li> <li>Project workers need to have access to a participatory, transparent, time-bound grievance mechanism, including procedures to receive and handle SEA/SH complaints, established for the purpose of HISWACA-SOP1</li> <li>Project workers need to be informed about their rights and encouraged to form worker unions/association within the remit of their respective in-country laws. Their Freedom of Association should be guaranteed by the project/their employers.</li> <li>The Project shall prepare a Labor Management Procedure in accordance with the applicable requirements of ESS2, in a manner acceptable to the Bank and establish, maintain, and operate a grievance mechanism for Project workers, as described in the LMP and consistent with ESS2.</li> <li>Prepare, adopt, and implement occupational, health and safety (OHS) measures, including emergency preparedness and response measure specified in the site-specific ESMPs and ESMF</li> </ul>
<b>Environmental and Social Standard 4 (ESS4): Community Health and Safety</b>	Environmental and Social Standard 4 (ESS4) is titled "Community Health and Safety". The objective of this standard is to anticipate, avoid and/or mitigate adverse project impacts on beneficiary communities as well as safeguard project-affected communities from traffic and road safety risks, diseases and hazardous materials as well as SEA/SH risks associated with project implementation and operation. ESS4 enjoins Borrowers to establish contingency measures for emergencies, security, traffic management, road safety, the protection of eco-systems	Relevant	<ul style="list-style-type: none"> <li>Issues of traffic and road safety may arise during civil works, organization of census, and or surveys. Persons or groups on account of physical disability, displacements due to internal conflicts or extreme weather events, their geographical location and/or their livelihood patterns may be excluded from project activities e.g. their data will not be collected, analyzed and/or presented during national census and other surveys, just as their confidential information may find itself in the public domain.</li> <li>Security concerns in some beneficiary countries may hamper fieldwork and other project activities. Broad guidelines for</li> </ul>

	and protection from SEA/SH. The standard also requires the design of infrastructure to meet GIIP. ESS4 also talks about requirements for dam safety.		<p>security assessment have been outlined in this U-ESMF for member states to prepare their own security risk assessment reports ahead of relevant project activities</p> <ul style="list-style-type: none"> <li>The Project will mitigate risks of SEA/SH by ensuring that: (i) all project related staff and workers (including surveys enumerators) sign code of conduct with clear prohibition and sanctions against SEA/SH after receiving training on SEA/SH; (ii) each project develops SEA/SH specific procedures within its grievance mechanism with multiple channels to submit complaints, confirmed as safe and accessible during consultations with women, and with procedures allowing for complaint verification and management following a survivor centered approach; (iii) each grievance mechanism includes response protocol with referrals to local GBV service providers (identified through mapping of GBV service providers) offering medical, psychosocial and/or legal assistance; (iv) information campaigns on SEA/SH risks, content of code of conduct and ways to submit complaints will be organized by each project in the areas of its implementation. In addition, the country projects with moderate (Benin, Gambia, Guinea, Guinea-Bissau and Senegal) and substantial (Mali, Mauritania and Niger) SEA/SH risk levels will develop a budgeted SEA/SH prevention and response Action Plan as part of the ESMF/P and hire GBV Consultants to support preparation and implementation of the SEA/SH measures within that Action Plan.</li> </ul>
<b>Environmental and Social Standard 10 (ESS10): Stakeholder Engagement and Information Disclosure</b>	ESS10 establishes a systematic approach to stakeholder engagement while ensuring that appropriate information on project risks and impacts is provided to stakeholders in a timely, comprehensive, accessible, and appropriate manner. The standard also ensures inclusive and effective engagement of project-affected parties throughout the project cycle and provides avenues for assessing stakeholder interest and incorporating their views into project design and monitoring of projects. As part of meeting the requirements of ESS 10, borrowers are to undertake meaningful consultation and engagement of stakeholders throughout the project life cycle, including specifically with women. They are also	Relevant	<p>The project needs to identify relevant stakeholders and potential barriers for effective consultation/stakeholders including marginalized and vulnerable groups such as Persons Living with Disability should be identified together with how they can influence the project outcomes and project impact socio-economic and their interests. These stakeholders need to be consulted early and regularly throughout the project life cycle for their views and inputs on the proposed project interventions in a systematic manner.</p> <p>Transparent and accessible channels need to be provided under the project to receive grievances of project-affected persons, including vulnerable persons identified. The grievances must be investigated and resolved, and feedback provided in a participatory, transparent, and timeous manner.</p>

	<p>expected to disclose relevant project information and safeguards reports, notably Stakeholder Engagement Plans, as part of fulfilling the requirement of this standard. ESS10 also requires borrowers to set up grievance mechanisms that are transparent, culturally appropriate, objective, discrete, accessible as well as sensitive and responsive to the needs of aggrieved persons and with procedures to receive and manage SEA/SH related complaints.</p>		<p>A SEF, including a grievance framework, has been prepared and disclosed by each participating Beneficiary. The SEF shall guide the preparation of stand-alone SEPs by each participating country and regional body. The country specific SEPs, inclusive of grievance mechanisms, shall be implemented throughout the project implementation once approved by the Bank and disclosed.</p>
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## 6.0 POLICIES AND PROCEDURES FOR LABOR IMPACT MANAGEMENT

### 6.1 Terms and Conditions of Employment

There are five types of workers who will be engaged in this project (i) Direct workers from the PIU, RIUs, NSOs and staff at implementing agencies who have contracts that are governed by the various national legislations, regional and institutional labor policies; (ii) contracted workers; (iii) short-term consultants; (iv) migrant workers; and (v) government civil servants. All workers in the project shall be engaged through negotiated contracts with generally accepted standards and terms and conditions of services applicable to the nature of project activities. Payment for work done will be made on determined mode, periodically (hourly, daily, weekly, monthly) or after completing the assigned work.

The PIUs and RIUs in the respective countries shall ensure that:

- Workers work for 8 hours a day from 8:00 to 17:00 with a one-hour break, six days a week
- The Conditions of Service and collective bargaining agreements for construction and related workers including artisans, watchmen and waste handlers are in line with the provisions national labor laws and relevant regulatory requirements of each country
- Wages negotiated every three years as stipulated in the Acts of each country
- Sub Project Contractors and Sub-Contractors provide, and sign written employment contracts for all workers upon hiring
- All contracts are vetted and approved by the Ministry responsible for Labor and Social Security
- Sub Project Contractors inform hired workers of all employment related information and ensure that the workers understand the rights and obligations of both parties under the contract
- Workers know the standards of conduct expected of them. A written policy manual (Code of Conduct) specifying the rules and procedures will be issued and made readily available to all workers as part of the labor contract. The Code of Conduct will be explained to workers who are not literate in English in a Language they understand
- Employees of Sub Project Contractors, Sub Contractors, Consultants and Primary Suppliers (skilled and unskilled or casual labor) are paid living wages which are not below the current minimum wage.

### 6.2 Age of Employment

As stipulated in the International Labor Organization Conventions (138) on minimum age, the minimum age of employment is 18 years. This provision is consistent with the Employment and Labor Laws of most of the beneficiary countries. This is also consistent with ESS2, whereby the minimum age for employment or engagement in connection with the project is the age of 14 unless national law specifies a higher age. The implementing agencies' standard for minimum age of employment/ work is 18 years, and it will be among the terms of contracts regarding child labor. The Project will therefore target participation of both men and women who are at least the minimum age of 18 at the time of recruitment. During the Project implementation various tools will be used to verify age of workers with respect to the respective country laws. Such tools include among others Birth certificates, National Identity Cards or travel Passports, which will be filled in each employee's records. In the circumstances where these documents are not available

the Affidavit of Birth will be used. The consequence of breaching implementing agencies' standard on child labor may result into termination of the contract.

If a minor under the minimum labor eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, considering the best interest of the minor. In this case, the following procedures will be applied:

- Conduct routine document check process without raising the alarm.
- Review documents detaining the age of the child and verify that they are genuine.
- Remove the child from all work immediately if checks on the document confirm the child is underage.
- If the documentary evidence is inconclusive, checking the age of the child may entail Communication or meeting with parents and guardians of children, contacting local labor authorities to validate identification, and conduct medical check-ups to assess age.
- Search for and obtain contact details particularly mobile phone number of child's parents or guardian. Where possible, obtain the home address of the child too.
- Talk to the child about the risks and hazards of child labor and ensure that the child understands what is happening and why.
- Arrange for a meeting with the contractor/consultant and site supervisor. Communicate the policies and basic positions regarding child labor with the official met.
- Contact the parents/guardians to ensure that they understand and agree with what is happening and to explain the risks and hazards of child labor.
- Identify whether there are any other child workers by reviewing all the personnel records at the workplace.
- To ensure that no new child worker is hired, give advice to the contractor or consultant on improving age verification systems

### 6.3 Occupational Health and Safety

- Sub project contractors must provide safe and healthy working facilities and take appropriate precautionary measures to protect workers from anticipated dangers in the workplace.
- They must also have a pre-established action plan designed to respond effectively to workplace accidents and health hazards if all precautions fail.
- The contractor must consult employees and their representatives on health and safety matters in the workplace. Employees must be given adequate information regarding health and safety matters and asked to contribute their input on such issues as the alteration of workplace processes, occupational safety, and the organization of work.
- No employee must be punished for removing him/herself from a working environment that he or she reasonably perceives to be dangerous or harmful.
- Employees of NSOs, subproject Contractors and Sub-Contractors as well as Project Consultants shall be provided with SEA/SH and health and safety orientation/training.
- OHS training/orientation will be provided prior to beginning a new assignment. All workers will be required to avail themselves for OHS training and subsequent toolbox meetings.

- Sub project contractor/employers/ NSOs must also ensure that workers are fully updated and capable of carrying out their work tasks safely.
- Workers must be provided with the appropriate Personal Protective Equipment (PPEs) which must be always worn on site as well as during performing any task.
- NSOs, Sub project Contractors and Suppliers shall ensure that regulations on the use of PPEs are enforced on site and within the working premises
- Workers must be provided facilities such as canteens, toilets, first aid kits, potable water, hygiene and, WASH facilities including washing points (clean running water, soap and tissue paper) on site and within the work environment
- Work plans and schedules should avoid crowding on site and within the premises while enforcing COVID-19 protocols e.g., social distancing at work and the use face masks to protect workers against COVID-19.
- Sub Project Contractors and Sub-Contractors will be required to maintain proper housekeeping on site.
- Sub Project Contractors and Sub-Contractors shall be required to designate qualified management personnel to handle environmental, social, labor, occupational health and safety issues including grievance redress and enforce the local laws on same as well as requirements of ESS2 and ESS4, site specific ESMPs, this LMP and other sub project safeguards instruments on site.

## 6.4 Contractor Management

Each contractor engaged by the Project to provide services will be expected to adopt the protective measures outlined in this document. The contracts drawn by the PIUs and RIUs will include provisions, measures and procedures to be put in place by the contractors to manage and monitor the relevant OHS, child labor, forced labor, and other employment terms and conditions issues. Measures required of Contractors will among others include the following:

- As part of the bidding/tendering process, specific requirements for certain types of contractors, and specific selection criteria (e.g., technical suitability, certifications, previous experience etc.).
- Provision of medical insurance covering treatment for COVID-19, sick pay for workers who either contract the virus or are required to self-isolate/quarantine due to close contact with infected workers and payment in the event of death.
- Specific procedures relating to the workplace and the conduct of the work (e.g., creating at least 6 feet between workers by staging/staggering work, limiting the number of workers present etc.).
- Specific procedures and measures dealing with specific risks. For example, for healthcare contractors.
- Appointing a COVID-19 focal point with responsibility for monitoring and reporting on COVID-19 issues, and liaising with other relevant parties.
- Including contractual provisions and procedures for managing and monitoring the performance of contractors, considering changes in circumstances prompted by COVID-19.

For contract bidding and contracts for the Project, the PIUs, RIUs and the other implementing agencies will use the World Bank's 2017 standard procurement documents, which include labor, and occupational health and safety requirements. The PIUs, RIUs and the other implementing agencies will incorporate standard language, based on project requirements drawn from ESS2, ESS4 and other sections of the World Bank Environmental and Social Framework and supporting documentation, in the tender and contract documents to ensure potential bidders are aware of the environmental and social requirements to be met under the project.

Tender documentation should note that the contractor/subcontractor shall actively collaborate and consult with project workers in promoting understanding, and methods for, implementation of OHS requirements, as well as providing information and training on occupational safety and health, and provision of personal protective equipment without expense to project workers.

Project workers who remove themselves from dangerous work situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removing themselves from such dangerous situations. The PIU, RIUs and the other implementing agencies will also state in the tender documentation that adherence to national legislation regarding labor and employment relations and occupational health and safety is a prerequisite for participation in the project. The PIU and the other implementing agencies will also include in the tender documents provisions that forced labor, child labor, discrimination in hiring and employment based on gender, disability, ethnicity or other personal characteristics unrelated to work requirements, sexual harassment in the workplace, and sexual exploitation and abuse are prohibited and may be grounds for removal of the contractor from the Project.

The PIU, RIUS and the other implementing agencies will require bidders for contracts for the Project to agree to and implement a workplace Code of Conduct that includes provisions prohibiting any form of sexual exploitation, assault or harassment of Project workers, as well as sexual exploitation or sexual assault of persons in local communities affected by the project, and any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage. The CoC will apply to all persons employed or engaged, including persons employed or engaged through contractors and subcontractors, in relation to the project.

The PIU, RIUs and the other implementing agencies will require bidders for contracts for the project to submit a statement confirming their firm compliance with national labor and employment and occupational health and safety laws, and labor management procedures in accordance with Environmental and Social Standard 2 "Labor and Working Conditions" (ESS2) and the LMP for the project.

The PIU, RIUs and the other implementing agencies will make reasonable efforts to ensure that parties awarded contracts for the project are reliable law-abiding entities that do not have a history of problems relating to disrespect for national labor law, unresolved labor disputes, or frequent work-related accidents. As part of the selection process for contractors, the PIU and the other implementing agencies will request and review from prospective contractors the following information:

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies on OHS, child labor, forced labor, worker right of association, or other labor issues
- Business licenses, registrations, permits, and approvals
- Documents relating to a labor management system, including OHS records, for example, labor management procedures



- Identification of labor management, safety, and health personnel, their qualifications, and certifications
- Workers' certifications/permits/training to perform required work
- Records of safety and health violations, and responses
- Accident and fatality records and notifications to authorities
- Records of legally required worker benefits and proof of workers' enrolment in the related programs
- Worker payroll records, including hours worked and pay received
- Identification of safety committee members and records of meetings

During the implementation of the contract, the PIUs, RIUs and the other implementing agencies will require that contractors submit quarterly reports on compliance with the LMP. The report should include the number and status of project workers, the number of hired and terminated employees in the given period, the number of hours worked, overtime, regularity of payment.

OHS issues (injuries and fatalities, if any), safety measures, grievances raised and resolved, training provided/attended, incidents of non-compliance with national law or the LMP. The contractors will be required to identify focal points (e.g., use of NSO focal points available in all the HISWACA-SOP1 Project countries) and communication channels (e.g., WhatsApp, SMS and email) within the company to address workers' concerns on an ongoing basis. The contractors should ensure that such channels are adequately resourced (e.g., 24-hour staffing of the emergency response call line). The contractors should ensure that the workers shall not be victimized in any way for reporting a grievance or the workplace concerns.

## 6.5 Primary Supply Workers

The respective PIUs with construction activities will identify potential risks of child labor, forced labor, and serious safety issues which may arise in relation to primary suppliers as part of the environmental and social assessment in accordance with ESS2. There is potential for child labor, forced labor and safety risks in the countries where construction activities are expected to take place (i.e. Senegal, Niger and Mauritania).

## 6.6 Workers' Grievance Mechanism

Grievance mechanism (GM) entails a formal process for receiving, evaluating and redressing program related grievances from affected workers, communities and the public. Typical workplace grievances include demand for employment opportunities; labor wage rates; delays of payment; disagreement over working conditions; and health and safety concerns in work environment.

Although complaints occur in workplaces they are not always reported for fear of victimization. Hence, a separate worker grievance mechanism (WGM) will be established for project workers (direct workers and contracted workers), as stipulated in the ESS2. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers and should include procedures for reception and management of work-related SEA/SH complaints including referral to local GBV service providers. The WGM will also allow for anonymous complaints to be raised and addressed. Individuals who submit their complaints or grievances to the WGM may request that their name be kept confidential and this should be respected. The WGM, however, does not replace or override the requirement that the PIUs, RIUs and the other implementing agencies for the project provide for workplace processes for

project workers to report work situations that they believe are not safe or healthy, such as reporting requirements regarding workplace injuries and accidents as stipulated in ESS2. For the Government civil servants seconded to the project, their respective country-based employment and labor laws and regulations that provide for reporting, management and redress of worker grievances will be applicable. Some of the employment and labor laws, regulations and policies are captured in Section 5 of this LMP for all the eight participating countries.

**i. Direct and contracted workers**

The project will have an effective WGM for direct and contracted workers in line with the provisions of ESS2. Each unit engaging direct workers (PIU, NSOs, field staff, enumerators, and the consultants) and contracted workers will hold periodic team meetings to discuss any workplace concerns. The grievances raised by workers will be recorded with the actions taken by each unit.

The summary of grievance cases will be reported to the World Bank as part of the regular report.

Where the aggrieved workers wish to escalate their issues or raise their concerns anonymously and/or to a person other than their immediate supervisor, the workers may raise the issues with the NSO/PIU or follow the legal or judicial process within the respective country where the specific work is being undertaken. The PIU will establish a focal point person/committee of persons to address anonymous complaints and the requests of workers who believe they have not received effective redress through the project worker grievance mechanism and seek to escalate their complaints. Where consultants/contractors have an existing grievance system, such mechanism should be used by their direct workers. The direct and contracted workers will be informed of the grievance mechanism on recruitment while the grievance mechanism will be made easily accessible through various communication channels such as comment/complaint form, suggestion boxes, email, a telephone hotline; and a confidential procedure for workers to submit anonymous grievances in writing or otherwise.

The WGMs to be used by the PIUs, RIUs and the other implementing agencies for the project and the project contractors and sub-contractors will include:

- a procedure to receive, record, refer, resolve, track grievances;
- multiple uptake channels such as comment/complaint form, suggestion boxes, email, a telephone number; a confidential procedure for workers to submit anonymous grievances in writing or otherwise;
- stipulated timeframes to respond to grievances;
- a register in excel spread sheet or similar format to record and track the timely resolution of grievances. Grievances reported by the contractors/subcontractors will also be reported and recorded in this master project worker grievance register;
- a responsible person/department to receive, record and track resolution of grievances. In the case of the project WGM for direct hires working for the PIU or the other implementing agencies for the project, the NSO/PIU Public Relations Officer will be responsible for receiving, recording and tracking resolution of such grievances.

The WGM will not preclude any project worker's ability to access any other judicial or administrative remedies that might be available under national law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements. The Project worker shall also be able to access the World Bank's Grievance Redress Service and/or the Inspection Panel.

**ii. Project GM**

In addition to the separate worker grievance mechanism established in line with ESS2, the project also has a general Project Grievance Mechanism (GM). Under the GM, the project has several channels for reporting complaints and grievances. These shall include email, phone calls, text messages, toll free number (if feasible) and written form that will also be accessible to all workers. Women will be consulted to confirm that the channels are safe and accessible to them, including to report any SEA/SH related complaints. Information on the project GM will be made available to workers at the time they sign their contract, and the information will be available at all facilities, government offices (both national and county) and community level (preferably at the chief's or local administration's office, for instance) to ensure that all workers, including the unskilled laborers engaged at the community level, if any, have adequate information on how to lodge a complaint and who to direct it to. Anonymity will be assured when handling workers' grievances. Existing grievance mechanism methods such as 'suggestion boxes' which exist in many worksites especially in government office establishments and appear to be a preferred form of reporting complaints may be used.

However, the experience has been that these boxes are hardly opened. If these will be preferred by the PIUs, RIUs to be used as part of the GM, a structure shall be put in place to guide their opening, reviewing, responding to concerns and providing feedback on the issues raised. It is recommended that all suggestions/ complaint boxes must be open at least once a week and the day and timing of opening should be mentioned on all boxes.

The project GM will include confidential, and survivor centered procedures to record, verify and address SEA/SH complaints with referral protocols to local GBV service providers that will be identified through GBV service mapping.

### **iii. Actions for managing complaints**

- Complaints should be sent to the GM focal point (as will be advised by the NSO/PIU) at the workplace in each respective country by email, text, phone, letter or in person. The complaints will be logged into the complaints register. The phone number and email address will be made available to the workers at signing the contract or at recruitment.
- The NSO/PIU and RIU in consultation with the other Project implementing agencies shall select a Grievance management committee (GMC) that will be housed at a local and national level and will review complaints weekly upon receipt. The GMC will review the complaints and provide guidance on the course of action and ensure follow-up on previous complaints. Any preliminary investigation should take place within 5 working days of the committee meeting. Feedback will be given to the complainant within 10 working days.
- The GMC shall deliberate upon informal complaints which will be raised through social media, print media or not formally lodged, to decide whether to investigate based on the substance and potential impact or reputational risk.
- In case the complaint is referred to the main Project GM and the respective government's legal complaints structures such as ethics and anti-corruption, government administrative or judicial agencies, the World Bank shall be notified.
- With regards to SEA, such complaints shall be kept confidential, the name of the complainant should not be recorded, only the age and gender of the complainant, and whether a project worker was involved and should be sent directly to the PIUs, RIUs or the respective Project contractor who should immediately inform the World Bank.
- As a general practice, no disciplinary or legal action will be taken against anyone raising a complaint in good faith.

- On reporting, a monthly report of complaints resolution shall be provided to the PIUs, RIUs and the World Bank.

## 5.7 Gender-Based Violence

There will be specific procedures for addressing SEA/SH complaints within project GM including confidential reporting with safe and ethical documentation of SEA/SH cases guided by the GBV Referral Protocol. Multiple channels will be put in place for lodging a complaint in connection to SEA/SH. Specific considerations for addressing SEA/SH are:

- the GM covers grievances related to SEA/SH The GM operators must be trained on how to collect SEA/SH cases confidentially and empathetically (with no judgment);
- The Project has established multiple complaint channels as part of the GM, and these must be trusted by those who need to use them. Women will be regularly consulted to confirm that the channels are safe and accessible.
- No identifiable information on the survivor should be stored in the GM logbook or GM database.
- The GM does not ask for, or record, information on more than three aspects related to the GBV/SEA/SH incident:
  - The nature of the complaint (what the complainant says in her/his own words without direct questioning);
  - If, to the best of complainant's knowledge, the perpetrator was associated with the project; and,
  - If possible, the age and sex of the survivor.
- The GM assists survivors by referring them to GBV Services Provider(s) (or the nearest One Stop Centre<sup>7</sup> if existing) for support immediately after receiving a complaint directly from a survivor. This will be possible because a list of GBV service providers will be made available before project work commences as part of the mapping exercise.
- The information in the GM must be confidential-especially when related to the identity of the complainant. For SEA/SH, the GM should primarily serve to: (i) refer complainants to the GBV Services Provider; and (ii) record resolution of the complaint.

**Data Sharing:** GBV Service Providers will have their own case management process which will be used to gather the necessary detailed data to support the complainant and facilitate resolution of the case referred by the GM operator. The GBV Services Provider should enter into an information sharing protocol with the GM Operator to close the case. This information should not go beyond the resolution of the incident, the date the incident was resolved, and that the case is closed. Service providers are under no obligation to provide case data to anyone without the survivor's consent. If the survivor consents to case data being shared, the Service Provider can share information when and if doing so is safe, meaning the sharing of data will not put the survivor or Service Provider at risk for experiencing more violence or abuse.<sup>8</sup>

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<sup>7</sup> One Stop Centers are places where GBV survivors can receive all needed assistance (medical, Psychosocial, legal and sometimes other). Such centers exist in some of the countries of HISWACA SOP1 implementation but not in all areas, so the project should not only rely on referral to One Stop Center and other local GBV service providers will need to be identified.

<sup>8</sup> For more information on GBV data sharing see: <http://www.gbvims.com/gbvims-tools/isp/>.

The GM will have in place processes to immediately notify both the PIU and the World Bank of any SEA/SH complaints with the consent of the survivor, while maintaining anonymity and confidentiality of personal and identifiable information about the survivor.

## 7.0 MONITORING AND REPORTING OF LMPs

### 7.1 Key Indicators for LMP Monitoring

Processes for monitoring, assessment and auditing the implementation of the LMPs will be included in each LMP to:

1. Document the implementation and effectiveness of management and mitigation measures
2. Assess actual impacts against predicted impacts
3. Demonstrate compliance with applicable legal and other requirements

Monitoring will be undertaken for both direct hires (including casual labor) and contract workers. The Labor and or HR officer in PIUs, RIUs, GM members and staff of the ministries responsible for issues such as social welfare, gender and children's affairs will undertake both desktop and field-based inspection programs to confirm that specified mitigation measures are being implemented effectively and achieving the intended outcomes

The Labor officers and or HR officers in PIUs and RIUs will take a lead in undertaking bi-weekly assessments to determine the degree to which, the commitments outlined in this Plan are being met. They may be assisted by the GM members. This will include inspections and monitoring of grievances. The assessments will be undertaken by suitably qualified personnel conversant with labor management issues. Assessment findings will be prioritized and closed in a timely manner.

The Environmental and Social Specialists at the PIUs and RIUs will conduct monthly monitoring reviews of the implementation of the sub projects under component 3, largely based on the social and environmental controls set out in the Environmental and Social Management Plan, and project activities under components 1 and 2.

### 7.2 Implementation Arrangements for individual LMPs

The respective PIUs, RIUs and the NSOs shall have oversight responsibility for the management of all labor issues associated with the project during project implementation. Sub Project Contractors for component 3 will play leading roles in direct supervision and enforcement of all the labor management procedures as outlined.

Table 4 below presents the summary of the key roles and responsibilities associated with the LMF

*Table 4: Summary of the key roles and responsibilities associated with the LMF*

Responsible Parties	Designation of Responsible Officer	Roles and Responsibilities
<b>Country Specific PIUs/NSOs and RIUs</b>	- E&S Safeguards Specialists at PIUs	<ul style="list-style-type: none"><li>• Development and oversight over implementation of procedures and protocols relating to labor and working conditions including grievance resolution</li><li>• Ensuring that Environmental and Social Clauses with relevant clauses/articles that protect workers' rights, and non-discrimination, protection from SEA/SH and formation of workers associations/unions at work, terms and conditions of work are in</li></ul>

		<p>line with the national labor laws of each participating country and prohibition of child and forced labor are inserted in Contract documents</p> <ul style="list-style-type: none"> <li>• Monitoring and reporting on labor related issues to the satisfaction of the World Bank and other relevant stakeholders such as the Ministry of Gender and Children's Affairs</li> <li>• Ensuring that workers grievance mechanisms are established and maintained through the Project lifespan and that they include procedures for handling SEA/SH complaints.</li> <li>• Ensure the requirements of the World Bank ESS2 are complied with during project implementation</li> <li>• Organize orientation sessions on OHS, GBV/SEA/SH for Project Workers</li> <li>• Accident and incident reporting to the Bank and other stakeholders</li> </ul>
<b>Ministry of Labor and Social Security</b>	<ul style="list-style-type: none"> <li>- Labor Officers</li> <li>- Factory Inspectors at the District Level</li> </ul>	<ul style="list-style-type: none"> <li>• Responsible for assessing, evaluating and addressing the welfare situation generally in the country so far as it affects vulnerable groups and workers</li> <li>• Ensuring the rights of children in accordance with Government's current policies based on the United Nations CRC and ACRWC are adhered to</li> <li>• Collaboration with all Government Ministries and establishments and with all national advocacy and welfare groups</li> <li>• Vetting of all works Contract</li> <li>• Factories Inspectorate Division under this ministry is responsible for premise inspection, preparing prosecutions and ensuring that the work environment is safe</li> <li>• Labor Officers under the Ministry are required to vet are workers Contract for their Conformity with the national labor laws of each participating country</li> <li>• Accident and incident Notification and investigation through Factory Inspectors at the district Level.</li> </ul>
<b>Ministry of Gender and Children Affairs</b>	<ul style="list-style-type: none"> <li>- Head of Gender Directorate</li> </ul>	<ul style="list-style-type: none"> <li>• Responsible for advocacy and policy relating to Gender Based Violence, Sexual Harassment and Sexual Exploitation and Abuse</li> <li>• Prevention of Child labor</li> </ul>
<b>Sub Project Contractors and Suppliers</b>	<ul style="list-style-type: none"> <li>- Managing Directors</li> </ul>	<ul style="list-style-type: none"> <li>• Responsible for updating the LMP into a Plan and comply with all the provisions in the Plan for the management of the workforce and their health and safety based on this LMP, ESMF and Sub project ESMP</li> <li>• Comply with E&amp;S clauses that relate to labor issues</li> <li>• Train site workers and those of Sub Contractors on OHS issues and work-based grievance redress and good community relations</li> <li>• Set up participatory, accessible and time bound systems to receive, investigate, resolve, and provide feedback on workers grievance</li> <li>• Ensure that their workers participate in OHS, GBV/SEA/SH and other orientation sessions</li> </ul>
<b>Project Workers</b>	<ul style="list-style-type: none"> <li>- PIUs/RIUs E&amp;S specialties</li> <li>- Environmental Health and Safety Officers</li> <li>- Supervisors</li> </ul>	<ul style="list-style-type: none"> <li>• Comply with various policies and procedures developed for the management of the workforce and their health and safety based on this LMP, ESMF and sub project ESMPs</li> <li>• Avail themselves for OHS, GBV/SEA/SH and other orientation sessions</li> </ul>

<b>GBV Service Providers</b>	<ul style="list-style-type: none"> <li>- Midwives/Nurses/ social workers etc. employed by Service Providers</li> </ul>	<ul style="list-style-type: none"> <li>• Provide case management services for GBV/SEA/SH survivors including counselling, medical care and legal aid</li> <li>• Awareness creation on GBV/SEA/SH</li> </ul>
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## ANNEXES

### Annex 1. Sample Generic Code of Conduct for Project Workers

#### Code of Conduct Standards for Consultants and Contractors

I \_\_\_\_\_ will:

Uphold the integrity and reputation of \_\_\_\_\_ by ensuring that my professional and personal conduct is consistent with \_\_\_\_\_ values and standards.

When working in an international context or travelling locally on behalf of \_\_\_\_\_ I will be observant of all local laws and be sensitive to local customs.

I will seek to ensure that my conduct does not bring \_\_\_\_\_ into disrepute and does not impact on or undermine my ability to undertake the assignment for which I have been engaged.

I will not work under the influence of alcohol or use, or be in possession of, illegal substances on \_\_\_\_\_ or client premises or accommodation.

#### In addition, I will :

- treat all people fairly with respect and dignity and not discriminate against specific groups such as women, people with disabilities, migrant workers or children
- not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
- not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another
- not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions
- not engage in sexual activity with children (persons under the age of 18).
- acknowledge that mistaken belief in the age of a child is not a defense
- not exchange money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior
- acknowledge that this behavior is prohibited. I recognize that this includes any exchange in return for assistance that is due to a beneficiary.
- not engage in sexual relationships with beneficiaries.
- Will recognize that such relationships are based on inherently unequal power dynamics.
- not engage in any commercially exploitative activities with children or vulnerable adults including child labor or trafficking.
- not physically assault a child or vulnerable adult.
- not emotionally or psychologically abuse a child or vulnerable adult.

Ensure the safety, health and welfare of all consultants and client staff members and associated personnel (volunteers, partners, suppliers and contractors)

**I will also:**

- adhere to all legal and organizational health and safety requirements in force where I am working.
- comply with any local security guidelines and be pro-active in informing management of any necessary changes to such guidelines.
- avoid behavior that could result in unnecessary risk to the safety, health and welfare of myself and others, including clients, partner organizations and communities with whom we work.
- complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
- report violations of this Code of Conduct; and
- not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Mechanism.

Be responsible for the use of information, assets and resources to which I have access by reason of my employment with \_\_\_\_\_ I will:

- ensure that I use \_\_\_\_\_ and client assets and resources entrusted to me in a responsible manner and will account for all money and property.
- not use \_\_\_\_\_ or client IT equipment, software or e-mail and social media platforms to engage in activity that is illegal under local or international law or that encourages conduct that would constitute a criminal offence. This includes any material that intimidates or harasses any group based on protected characteristics. It also includes any material encourages extremism.
- not use \_\_\_\_\_ or client IT equipment to view, download, create, distribute, or save in any format inappropriate or abusive material including but not limited to pornography or depictions of child abuse.

Perform my duties and conduct my private life in a manner that avoids conflicts of interest

**I will**

- declare any financial, personal or family (or close intimate relationship) interest in matters of official business which may impact on the work of \_\_\_\_\_ not be involved in awarding benefits, contracts for goods or services, employment or promotion within \_\_\_\_\_ or \_\_\_\_\_'s clients, to any person with whom I have a financial, personal, family (or close intimate relationship) interests.
- inform \_\_\_\_\_ of any nominations to an official role in a political party and understand that this may result in the need for me to withdraw from current and future contracts.
- not accept significant gifts or any remuneration from governments, communities with whom we work, donors, suppliers and other persons which have been offered to me as a result of my engagement with \_\_\_\_\_.

**Uphold confidentiality**

**I will:**

- exercise due care in all matters of official consultant business.

- not divulge any confidential information relating to colleagues, clients, work-related matters or any sensitive information unless legally required to do so.

I understand that any violation of this Code of Conduct by Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact \_\_\_\_\_ requesting an explanation.

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

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

### **Complaints and reports**

- \_\_\_\_\_ staff are obligated to bring to the attention of the relevant authority any potential incident, abuse or concern which appears to breach the Standards contained in this Code. Staff in this context includes contracted consultants as well as employed staff. This applies to incidents that they witness, are made aware of, or suspect have occurred.
- \_\_\_\_\_ staff reporting concerns are protected by the Whistleblowing policy.
- Contracted consultants who have a complaint or concern relating to breach of the Code should report it immediately to the relevant authority. This would normally be the \_\_\_\_\_ employee who contacted them about an assignment. If the complaint or concern is more general than a specific assignment, they should use either the Supervisor or appropriate authority as their first point of contact. In their absence you should contact the PIUs and RIUs E&S Specialists.

### **Safeguarding Policy**

This Safeguarding Policy lays out \_\_\_\_\_ commitment to ensuring the safety and protection of all children, young people and vulnerable adults with whom the organization engages.

This includes:

- Promoting the welfare of children, young people and vulnerable adults through facilitating referral to free and quality GBV service provision
- Preventing harm through awareness raising and proactive measures to identify and mitigate risks.
- Protecting children, young people and vulnerable adults by responding quickly and effectively whenever harm or abuse is identified
- Partnership and collaboration with other organizations facilitating referrals and joint activities to prevent and respond to actual or potential harm against children, young people and vulnerable adults.

This policy covers all forms of physical abuse, emotional ill-treatment, sexual exploitation, abuse or harassment, and neglect, denial of resources, commercial or other exploitation that results in actual or potential harm. This includes harm which is caused intentionally or unintentionally, directly or indirectly.

The policy applies to:

- All staff who are contractually employed by .....
- All individuals who carry out work, paid or unpaid, in the name of CONSULTANT. This includes board members, volunteers/interns, consultants and service providers.
- All ..... visitors. This includes journalists, media personnel, investors and any other individual visiting .....s work in any capacity.

..... Partners who are in contact (direct or indirect) with children, young people and vulnerable adults are expected to have their own safeguarding policies and procedures in place. In the case a partner do not have their own safeguarding policies they must abide by ..... safeguarding policies. If there are areas where ..... policy is stronger the partner subjects to ..... policy in those areas. .... will cover this in the partnership agreements.

..... will treat any breach of its safeguarding procedures seriously. Failure to comply with this policy may incur sanctions ranging from disciplinary action (including possible dismissal), termination of contracts or partnerships and, where appropriate, referral to the police or other relevant authorities.

### **Duty to Safeguarding**

The duty of safeguarding by \_\_\_\_\_ is categorized into two; i) internal and ii) external incidents:

- I. Internal incidents are events that cause harm or may cause harm to children, young people and vulnerable adults which involve CONSULTANT staff, volunteers, contractors, partners, consultants, and service providers. This includes anyone having a financial/contractual relationship with the organization. These incidents are normally handled through CONSULTANT safeguarding policy and procedures.
- II. External incidents are events that cause harm or may cause harm to children, young people and vulnerable adults in the broader community or environment in which \_\_\_\_\_ work. They do not involve \_\_\_\_\_ directly. These incidents are normally referred to external service providers.

It is important to outline clearly \_\_\_\_\_ commitment to safeguarding. \_\_\_\_\_ considers the welfare and protection of children, young people and vulnerable adults to be an organizational imperative, with primacy over the success of programmes or strategic objectives.

The organization has a zero-tolerance approach to the harm of children, young people and vulnerable adults. CONSULTANT believes that everyone has an equal right to protection from abuse and exploitation regardless of age, race, sex, sexual orientation, marriage and civil partnership, pregnancy or having a child, gender assignment, religion, political or other opinion, national, ethnic or social origin, or disability.

\_\_\_\_\_ is committed to safeguarding through the following means:

- Detecting: Ensuring all staff can identify abuse situations.
- Sensitization: Ensuring that all staff and others are sensitized on safeguarding issues.
- Prevention: Ensuring through good practice, the minimization of risks to children, young people and vulnerable adults.
- Reporting: Ensuring that we are clear on what steps to take where concerns arise.
- Responding: Ensuring that action is taken to protect children, young people and vulnerable adults where concerns arise.

## Obligations of Staff and Representatives

\_\_\_\_\_ is committed to the following when cases of exploitation, abuse, harassment or harm to children, young people and vulnerable adults are known or suspected:

- Taking any concerns raised seriously;
- Taking positive steps to ensure the protection of children, young people and vulnerable adults who are the subject of any concerns;
- Supporting the child, young person, staff or other adults who raise concerns or are the subject of concerns;
- Acting appropriately and effectively in instigating or co-operating with any investigation;
- Being guided through all processes by the principle of the best interest of the child;
- Listening to and taking seriously the views and wishes of the child, young people and vulnerable adults;
- Working in partnership with parents/caregivers and others to ensure the protection of the child, young adults and vulnerable adults;
- Carrying out any investigation honestly and fairly and with due regard to CONSULTANT disciplinary procedures and legal procedures.

\_\_\_\_\_ staff and representatives are required to:

- **Popularize** and make themselves familiar with and understand these local procedures for reporting and responding to individual or specific cases of abuse;
- Report concerns that a child, young person or vulnerable adult has disclosed a risk or case of abuse or harm immediately in accordance with these local procedures.
- Document clear records of the reported or witnessed concerns.
- Concerns may include situations whereby:
  - You see, hear of, by any means or suspect a case of abuse
  - An allegation of abuse is made to you
  - Disclosure of an incident of abuse
- Respond to a child, young person or vulnerable adult who has been abused or about to be abused in accordance with these local procedures and in accordance with their best interests and safety.
- Cooperate fully and confidentially in any investigation of concerns or allegations.

## Standards for Reporting Safeguarding and Impact Concerns

- i. **Mandatory Internal Reporting** - It is the responsibility of all staff, outside contractors and partners to take seriously any concerns, complaints, allegations, suspicions and incidents involving children, young people and vulnerable adults. Reporting these concerns to the designated Safeguarding Officer is a mandatory requirement in \_\_\_\_\_. Failure to report will be considered a serious breach of \_\_\_\_\_ Safeguarding Policy.

Mandatory reporting relates to any potential risk or actual harm caused to any child, young person or vulnerable adult regardless of their relationship with \_\_\_\_\_ and irrespective of age, religion, gender, race or socio-economic status. Concerns about harm or abuse must be internally reported where:

- The alleged perpetrator is a \_\_\_\_\_ staff, visitor, associate or a member of staff of a partner organization.

- The alleged perpetrator is a member of the child’s family, community or is unknown to the child, young person or vulnerable adult.
  - The alleged perpetrator is also a child, although responses should take in to account the protection and safety of both the affected child and the alleged perpetrator.
  - The abuse is historical. Most abuse is not disclosed until many years after it has occurred but the risks of harm to children, young people and vulnerable adults may persist and require investigation.
  - The report is anonymous as this does not automatically mean that it bears less substance but may indicate fear of reprisal, shame or other barriers to disclosure. Anonymous reports should be taken seriously as ‘named’ reports although the extent to which they can be investigated may be limited by the anonymity.
- ii. Duty of Care \_\_\_\_\_ has a legal and moral obligation to respond to cases of harm and abuse when these are identified through our engagement with children, young people and vulnerable adults. When cases of abuse are identified, \_\_\_\_\_ duty of care encompasses:
- Listening and providing re-assurance to the child, young person or vulnerable adult.
  - Helping the child, young person and vulnerable adult to share their concerns with a trusted adult who can help them decide what further action to take (e.g. parent/care-giver)
  - Providing details of recognized, child-friendly, youth, disabled or other agencies who can provide protection (e.g. save the children, the police) or additional advice and support (e.g. recognized telephone helpline, a local child protection agency)
  - Ensuring concerns relating to \_\_\_\_\_ staff, consultants, partners service providers or visitors are fully investigated and action taken
  - Ensuring staff have access to their code of conducts and are familiar with the Safeguarding policy, reporting guidelines and procedures.
  - Ensuring there is a focal person designated to ensure Safeguarding policy is prioritized for implementation.
  - Appropriate follow ups of Safeguarding reports in agreement with the policy
  - Applying disciplinary measures to staff who fall short of policy principles.
  - Providing support to survivors of harm by staff or associated personnel
- iii. Organizational Responsibility – the responsibility for decisions and actions rests with \_\_\_\_\_ as an organization and not with any individual. Staff and any other representatives of \_\_\_\_\_ must not act in isolation but must consult with \_\_\_\_\_ designated Safeguarding Officer or the appropriate authority before taking any action in response to the child protection concerns.

## Staff Code of Conduct

- i. General Professional Conduct
- Be polite, considerate and provide an example of the good conduct that you wish others to follow.
  - Never use language or behavior that discriminates on the grounds of gender, race, culture, age, disability, religion or sexuality.
  - Never engage in any activity that could bring the organization into disrepute. \_\_\_\_\_ does not seek to dictate the values by which you conduct your personal life but actions taken outside of working hours that contradict this policy will be considered a violation and will be investigated.
  - Challenge unacceptable behavior and report any concerns immediately.
  - No sexual activity with anyone under the age of 18

- Do not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
  - Do not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
  - Do not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
  - Do not rape or attempt to rape
  - Do not engage in commercial sex
  - No staff should have a sexual relationship with beneficiaries
  - Do not hit or physically assault a child, young people or vulnerable adults
  - Do not put a person at risk or harm
  - Do not use position of power to take unfair advantages of a fellow staff member, beneficiary or volunteers.
  - Do not accept gift (in kind or cash) from beneficiaries
  - Do not harbor GBV survivors at home
  - Do not expose GBV survivor's identity publicly without consent.
- ii. Preparation for Visits
- Attempt to understand the local cultural and religious norms, particularly those related to contact between children and adults.
  - Ensure that you take clothing that is appropriate to the local culture and religion.
  - Discuss contact with children and young people with the appropriate person or authority in advance to identify and minimize any potential risks
- iii. Interactions with children, young people and vulnerable adults
- Always ensure that children, young people and vulnerable adults know who you are and why you are visiting.
  - Always ask permission before taking photographs or videos and ensure that the proper consent for further usage is obtained.
  - Always treat children, young people and vulnerable adults with respect and never act in a way which could shame, humiliate or degrade them.
  - Never show favoritism or spend excessive time with one child or young person or vulnerable adult. You should avoid developing close emotional ties with any one individual.
  - Never offer money or gifts to individual children or their family. Where gifts are given, they should only be given to groups of children and should be of minimal value.
  - Never be alone with children or young people or placing yourself in any situation which could be misinterpreted.
  - Never take a child or young person or vulnerable adult in your care, to your hotel or to any other private spaces.
  - Never share personal details about yourself (your hotel, home address or contact details) or agree to connect with children or young people on social media
- iv. Physical Contact with children, young people or vulnerable adult
- Always wait for the child to initiate any type of physical contact - remember your presence may be unsettling and any attempt to initiate physical contact may be misinterpreted.
  - Never hit or physically chastise a child or young person or vulnerable adult (including using physical restraint to contain behavior)
  - Never give assistance in aspects of personal care (e.g. dressing, bathing etc.)
  - Never engage in or allow sexually provocative games or behave in a manner which might be considered inappropriate or sexually provocative.
  - Never sleep in the same room or bed as a child or young person with whom you are working.

- Never develop physical/sexual relationships with children, young people, vulnerable adults or other beneficiaries.
- v. Use of Social Media
- Never directly post images or stories about children, young people or vulnerable adults who are engaged with ..... on your personal social media accounts. Consent is given to ..... as an organization and not to the individual for personal use.
  - Never accept contact requests or engage with children, young people or vulnerable adults you have met through ..... via personal social media.
  - Never post anything that could damage the integrity or brand of .....
  - Never upload or post any racist, tribalism, defamatory, obscene, or abusive content



## Annex 2: Road Moves and Convoy Security Guidance

This document reflects industry standard for road move and convoy security, as well as the basic principles to follow when conducting overland operational travel in insecure environments.

### Principles

- **Understanding the Context:** Prior to departure, it is important to understand the threat environment along the proposed route. On a fundamental level, it is critical to **be aware of the threat actors** present in each area and **whether your organization is particularly exposed to the threat, given the grievances or motivations** of those threat actors. Even if one is very familiar with the route and the surrounding environment, it is advisable to **get a situation report from local security forces**, as the threat dynamics can change over time.
- **Planning and Preparation:** Be as prepared as possible for contingencies and **gather necessary information about the route**, road and weather conditions, health centers, security forces stations or patrols along the road, the destination, length of time needed for the journey, etc. Have **redundancies of communications equipment** and ensure the vehicles have **rudimentary repair equipment**.
- **Reasonableness:** Not all of the following guidance needs to be implemented for every road journey. The farther the journey into unpopulated, higher-threat, or unfamiliar territory, the more of the guidance ought to be followed. If a journey is within a familiar city to a familiar destination, a minimum subset of the guidance can be followed, including the situation report of the threat context and the communication and basic trip plans.

### Journey Guidance

1. Develop trip plan with primary and alternate routes, desired time of arrival at destination, etc. Its contents should be kept confidential;
2. Test all communication devices, review communication plan (waypoints and destination) with all individuals embarking on the journey;
3. Share full trip plan with someone in your organization not embarking on the journey, including regarding communication, expected time of arrival at destination, emergency procedures;
4. Visually inspect the vehicle;
5. Confirm personal and vehicle emergency supplies are in the vehicles;
6. Confirm emergency procedures;
7. Communicate any deviation from trip plan to the contact not embarking on the journey;
8. Conduct a pre-departure briefing so that journey members are aware of their roles in case of an emergency; and
9. Ensure all journey members have emergency contact information for local security forces/police (be mindful to have the contacts coded should the threat environment require it)

### Security Risk Management Guidance

1. If trips to the same destination are undertaken on a regular basis, vary the routes taken and the time of day the journey is conducted; but conduct travel only during daylight hours;
2. If the threat environment is elevated, utilize available escort options from local security forces;
3. Always observe surroundings and practice situational awareness, prior to and during the journey;
4. Consider postponing the trip should credible reports or indicators inform in a particular period of time on a higher exposure to security threats.