



REPUBLIC OF THE GAMBIA

LABOUR MANAGEMENT (LMP) PROCEDURES

FOR THE

**GAMBIA INCLUSIVE AND RESILIENT AGRICULTURAL VALUE CHAIN
DEVELOPMENT PROJECT (GIRAV)**

By

Frontline Eco Solutions (FES)

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ABBREVIATIONS

CERC	Contingency Emergency Response subcomponent
CPCU	Central Project Coordination Unit
ESMF	Environmental and Social Management Framework
ESS	Environment Social Standards
GCAV	Gambia Commercial Agriculture and Value Chain Management Project
GIEPA	Gambia Investment and Export Promotion Agency
GIRAV	Gambia Inclusive Resilient Agricultural Value Chain
GM	Grievance Mechanism
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HR	Human Resources
ILO	International Labor Organization
LMP	Labor Management Procedure
NARI	National Agricultural Research Institute
NEA	National Environment Agency
PDO	Project Development Objective
OSH	Occupational Safety and Health
PFIs	Participating Financial Institutions
PPE	Personal Protective Equipment
SMEs	Small Medium Enterprises
SPS	Sanitary and Phytosanitary
UNCRC	United Nations Convention on the Rights of the Child
WB	World Bank

DEFINITIONS

Staff: Personnel conducting work on a GIRAV project site or allowed to spend a night or work at GIRAV project approved facilities.

Minor: Any person below the age of 16 years of age or older. According to Section 43 of the Children's Act, 2005 the statutory working age for light work in The Gambia is 16 years.

Child: Any person below the age of eighteen years (Labour Act, 2007 and Children's Act, 2005).

Casual employee: A person who works on a daily or hourly basis where payment of wages is due after each day's work (Labor Act, 2007).

Gender Issue: A statistical or social indicator of inequality between males and females arising from discrimination and/or marginalization.

Gender Equality: Provision of equal opportunities to access, participate and use public services to all women and men.

Accident: Any unplanned, unwanted, but controllable event that disrupts the work process and causes or results in injury or death to personnel and/or damage to property and /or damage to the business opportunity.

Corrective Action: Upon conclusive incident investigations, these are identified initiatives/actions to be implemented/put to work to address the incident causal factors to prevent a recurrence.

Employer: The organization or entity that utilizes the services of someone or another entity for remuneration or compensation.

Hazard: A hazard is anything that has the potential to cause injury or illness to people and/or damage to property or the environment or reputational damage of a business entity or a combination of these. The situation could involve a task, chemical, or item of equipment/machinery or leaked information to the media.

Incident: Any unplanned and unwanted event (near misses & accidents) which resulted in near misses or accidents.

Near miss: A near miss is defined as any occurrence that could have resulted in an accident.

Preventive action: is a proactive approach that involves taking action before an incident occurs, e.g., by identifying a hazard (risk assessments) and taking steps to prevent any incident which may result from the hazard.

1.0 INTRODUCTION

The Gambia is among the poorest and most fragile countries in the world. Its economy depends on regular foreign aid to balance its budget, and poverty levels remain high. According to the last Integrated Household Survey (IHS) 2015/16, 48.6 percent of Gambian households live below the poverty line of US\$1.25/day¹. Poverty in The Gambia is multi-dimensional and unequally distributed. Rural poverty is currently standing at 70 percent against 32 percent in urban areas. The Human Development Index (HDI) ranks Gambia 174 out of 189 countries².

Although The Gambia's economy depends on foreign aid, agriculture is crucial in economic growth and poverty reduction. The agricultural sector contributes around 20 percent to the country's GDP and generates 30 percent of its foreign exchange earnings. From the last IHS, agriculture employs half (46%) of the country's labour force (agriculture employs an estimated 72 percent of the poor and 91 percent of the extremely poor) and is the main source of livelihood for 80 percent of the rural population.

Notwithstanding, agricultural production in the Gambia consists of subsistence-oriented and rainfed cropping, along with traditional livestock production. Marketable surpluses are low, with a food self-sufficiency ratio of about 50 percent. In 2018, the total harvested area was estimated at 420,000 hectares, or about 70 percent of the country's total arable area used, overwhelmingly under rainfed annual crops with less than 3 percent under irrigation and less than one percent under permanent crops. The private sector's contribution to the development of Agro business is still extremely low.

Thus, to support agricultural value chain development and to move from subsistence to more market-oriented agriculture, the Government of the Gambia, through the Ministry of Agriculture and the World Bank (WB) is preparing the implementation of The Gambia Inclusive and Resilient Agricultural Value Chain Development Project (GIRAV) to be financed by WB for an amount of US\$ 30 million and five years in six regions across the country. The project will focus on consolidating the results of previous agricultural-funded projects.

2.0 PROJECT DESCRIPTION

Proposed Project Development Objectives

The Project Development Objective (PDO) for GIRAV is to promote the development of inclusive and competitive agriculture value chains, focusing on smallholder farmers and agribusinesses in project-targeted areas. To achieve this objective, the project will consist of three interlinked technical components, in addition to the Project Implementation and Coordination Component and emergency response, organized to address the key binding constraints for the development of the agriculture and agribusiness sector:

- i) Increase in the value of marketed output at the beneficiary level (disaggregated by gender, smallholders, and Small and Medium Enterprises (SMEs);
- ii) Increase in productivity of targeted agricultural commodities (yield in metric ton/hectare);
- iii) share of agricultural produce that is processed into higher-value products (percentage); and
- iv) Farmers reached with agricultural assets or services (core indicator- gender-disaggregated).
- v) Improve access to fertilizer to farmers;
- vi) Increase access to potable water supply in rural and peri-urban areas and
- vii) Improve securing access to land, especially for women horticultural producers.

Component 1: Improving the business environment for commercial agriculture development

The objective of Component 1 is to support the establishment of an enabling environment that can foster competitive and sustainable development of a commercial agriculture/agribusiness sector in the Gambia. This will be achieved by strengthening the capacity of the key organizations engaged in agri-food value chains and improving producers' market access by providing key market infrastructure and critical sanitary and phytosanitary (SPS) services. Building on Gambia Commercial Agriculture and Value Chain Management Project (GCAV) activities, the project will finance the following main interventions:

- (i) Strengthening the capacity of the key organizations overseeing the value chains;
- (ii) Development of critical market infrastructures; and
- (iii) Strengthening quality and sanitary and phytosanitary control systems.

Component 2: Building a Productive and Resilient Agri-food System

This component aims to increase agricultural productivity through climate-smart intensification of selected production systems focusing on enhancing water management and fostering access to improved technologies and innovations. More specifically, the project will support the following main interventions: (i) Improving water management and expanding irrigated areas and (ii) Increasing access to technology, innovation, and advisory services.

Component 3: Mobilizing productive private investments along the value chains

This component would provide co-financing and implementation support for competitively selected productive micro-projects in agricultural production, marketing, processing or service provision

presented by small private investors, individuals or in groups, and Small and Medium Enterprises (SMEs) – in the targeted regions and selected value chains or, on a case-by-case basis, promising sub-projects in any region of the country based on the investment’s prospective impact on the local economy and its contribution to the PDO.

Component 4: Project coordination, monitoring, and knowledge management

This component will facilitate (i) administrative, technical, and financial management of the project; (ii) coordination among all institutional partners to ensure an efficient flow of information and support to all value chain actors; (iii) effective contractual arrangements with key implementing partners (Gambia Investment Export Promotion Agency (GIEPA), National Agricultural Research Institute (NARI), West and Central African Council for Agricultural Research and Development (CORAF/WE CARD), etc.) and other private sector operators; (iv) monitoring and evaluation of the performance and the financial, environmental, and social impact of the project; and (v) development of communication activities to publicize and disseminate the project results, best practices and success stories.

Component 5: Contingency Emergency Response

Given Gambia’s vulnerability to shocks, a Contingency Emergency Response subcomponent (CERC), with a zero-dollar provision, is included to create a financing mechanism within the project for emergency demands arising from natural disasters, disease, and other shocks. This CERC is particularly critical in the context of the COVID-19 pandemic as even if the situation is currently manageable, the trend could not be predicted. Added to that, is Locus evasion, which threatens the West Africa region. If such a crisis develops, the government may request the World Bank to reallocate project funds to cover some costs of emergency response and recovery.

The descriptions of the components above provide a fair overview of the range of activities and actors likely to be involved during the project’s lifecycle. The individual component designs being developed will provide more specific information on this towards developing the overall PAR.

Component 6: Improving Access to Water

This component aimed at further increase water supply for agricultural sector to promote irrigation, boost agribusiness, and improve access to potable water in rural and peri-urban areas. It includes 3 sub-components as follows:

Sub-component 6.1: *Expansion of Water Supply to Rural Areas*

This sub-component objective is to improve access to water supply in rural and peri-urban areas. The Bank funded GERMP AF provided support to NAWEC and focused on GBA. The rural areas covered by NAWEC have urgent water needs since access to water is very limited. Interventions to be funded would involve: (i) drilling new boreholes, construction of pump headworks and solar energy connections, (ii) extension of water distribution networks including construction of tanks and centralized treatment centers where necessary and (iii) new household connections.

Sub-component 6.2: ***Meter Replacement, Energy Efficiency Improvements, and Non-Revenue Water (NRW) Improvement***

This subcomponent addresses four main areas:

- I. Meter Replacement Program*
- II. Improvement of Non-Revenue Water (NRW)*
- III. Energy efficiency improvements of the water business*
- IV. Technical Studies for Water Supply Masterplan and Groundwater Monitoring*

Sub-component 6.3: ***Provision of Water for Irrigation***

The objective of this sub-component is to support the development of irrigation services further. It will finance: (i) consultant services for the mapping of groundwater resources in terms of availability and quality; (ii) the technical assistance for an updated assessment of the actual irrigated land areas and the potential of irrigable land; (iii) infrastructure and equipment to connect boreholes with horticultural perimeters for irrigation; and (iv) associated training to increase water use efficiency and sustainability of infrastructure and equipment.

2.1. Objectives of Labour Management Procedure

The fundamental element of conducting project work is the labor force; hence, the management of labor resources is essential. The main objective for LMP for the GIRAV project is to document labour requirements and identify the risks associated with project activities, along with aspects of welfare in line with legal requirements and good international and industry practices. Specifically, this LMP steps to:

- Protect workers' rights and promote healthy, safe, secure, and comfortable accommodation that does not impact negatively on the communities in the surrounding area;
- Promote compliance with national employment and labour laws and good international and industry practices;
- Promote fair and equitable labour practices for the fair treatment, non-discrimination, and equal opportunity of workers;
- Ensure the management and control of activities that may pose labour-related risks at project sites.

3.0. OVERVIEW OF LABOUR USE ON THE PROJECT

The purpose of the Labour Management Procedures is to **facilitate the planning and implementation of the Project** by identifying the main labor requirements, the associated risks, and the procedures and resources necessary to address the project-related labor issues.

The Labour Management Plan (LMP) applies to project workers, including full-time, part-time, and temporary, migrant workers. The LMP is applicable to the Project, as per ESS2.

The categories for which the GIRAV workers have to be defined are the following:

Direct workers: Direct workers will comprise a mix of government civil servants from mainly the Ministry of Agriculture and other relevant ministries seconded to work directly on the project, and civil society organizations, those engaged as technical consultants, full and part-time, by the coordinating and implementing institutions under the project. A set of public service rules will govern the Civil servants, the latter by mutually agreed contracts. All workers from these organizations engaged directly by the Ministry of Agriculture, Ministry of Lands, Regional Governments and Religious Affairs (MoLRGRA), and National Water and Electricity Company (NAWEC) Water Division to work on the GIRAV are considered direct workers.

Contracted Workers: The project will provide two main categories of contracted workers - First is a consultant service provider, who will provide implementation support services to the implementing agency. Second is the staff of civil works contractors to be subcontracted to arrange for civil works under the subprojects.

Community Workers: Will be excluded from the project. Communities will not take part in the procurement and management of any contracts. Residents may be hired as employees by civil works contractors and, as such, will be covered under the provisions of this LMP and the respective Contractors' LMPs.

Primary Suppliers: are likely to be included in the chain of suppliers of construction materials for any civil works to be supported by the project, as well as equipment (e.g., cold storage facilities and related machinery, calibration and packaging materials and laboratory equipment, etc.), as well as other inputs, e.g., seeds, and fertilizers that may be used constantly by the laboratories, the extension service and logistics centers will be built alongside the project covered areas.

Number of Project Workers:

At the point of preparation of this LMP, the exact scope of project works, such as the exact number of workers at each level, etc. are not yet known. Hence, the number of potential workers required is estimated at this stage.

Direct Workers:

The direct workers include the CPCU project team, which will be in charge of the day-to-day management of the project, and associated support staff, which will contribute to the project, including all environmental and social aspects, as well as monitoring and reporting. The CPCU has 33 staff comprising of: Project Coordinator, Director of Operations; Rural Engineer in charge of irrigation equipment and marketing infrastructure, Grant Manager in charge of the management of the mechanism; Agribusiness specialist in charge of overseeing the coordination of the value chains and the implementation of the selected agribusiness; Social Development specialist in charge of social safeguards, GBV, SEAH gender, and youth; Environmental specialist in charge of the preparation and implementation of the environmental safeguards instruments; Communication specialist in charge of

outreach activities, awareness campaign, and social engineering, and communicating on project achievements; Digital specialist in charge of designing, updating and implementing digital platforms including M&E, value chain actors, e-extension, matching grant application, etc.; and support staff.

Additionally, 57 staff at the Department of Lands and Surveys and Department of Physical Planning and Housing, all under the Ministry of Lands, Regional Governments and Religious Affairs (MoLRGRA), and 28 staff of National Water and Electricity Company (NAWEC) Water Division to work on the GIRAV are considered direct workers.

Table 1: Project workers

Position	Number of Person
Ministry of Agriculture CPCU Staff	
Project Coordinator (Overall management of the project activities)	1
Financial Management Specialist Accountant and Assistant Accountant (Financial Management)	3
Director of Operations (Operations Management)	1
Procurement Specialist and Assistant Procurement Officer (handling of procurement activities)	2
M&E specialist and Assistant M & E (regular monitoring & Evolution of project activities)	2
Environmental Specialist (in charge of the preparation and implementation of the environmental safeguards instruments)	1
Social Development Specialist (in charge of social safeguards, GBV, SEAH gender, and youth)	1
Grant Manager management of the mechanism	1
Agribusiness Specialist (overseeing the coordination of the value chains and the implementation of the selected agribusiness)	1
Rural Engineer	1
Communication Specialist (outreach activities, awareness campaign and social engineering, and communicating on project achievements)	1
Digital Specialist/IT (in charge of designing, updating, and implementing digital platforms including	1

Position	Number of Person
M&E among others)	
Admin Assistant (administration activities)	1
Drivers, Cleaners, Watchmen, Messengers, Storekeeper and Gardener (providing support services as required)	16
Ministry of Lands, Regional Governments and Religious Affairs (MoLRGRA)	
Permanent secretary	1
Deputy Permanent Secretary Technical	1
Directorate of Planning	3
Staff of Department of Physical Planning and Housing	
Director (directs the operation of the department)	1
Principal Officers (housing, development control and physical planning)	3
Senior Officers (housing, development control and physical planning)	6
Officers (housing, development control and physical planning)	9
Regional Physical Planning and Housing Officers	7
Staff of the Department of Lands and Surveys	
Director (directs the operations of the department)	1
Principal Officers (surveyor, land evaluation and cartographer)	3
Senior Officers (surveyor, land evaluation and cartographer)	6
Officers (surveyor, land evaluation and cartographer)	9
Regional Lands and Survey Officers	7
Staff of National Water And Electricity Company (NAWEC) Water Division Project	

Position	Number of Person
<u>Management</u>	
Chief Operation Officer Water	1
Project Manager	1
Senior environmental and social Safeguard specialist in charge of the preparation and implementation of the environmental safeguards instruments including GBV, SEAH gender, and youth)	1
Environmental s=Specialist in charge of environmental and occupational health and safety	1
Social safeguard specialist in-charge of GBV, SEAH and grievances mechanism	1
Senior and Junior water engineers	3
Procurement Specialist and Assistant Procurement Officer (handling of procurement activities)	2
Accountant and Assistant Accountant responsible for Financial Management of the Project	2
Regional NAWEC Water Division staff	14
Total	82

Additional personnel will be recruited to cover areas where there are gaps. All staff are required to have satisfactory expertise, experience, and qualifications. As well, within the government, civil servants working for the agricultural sector such as extension services, will be hired on an ad-hoc basis and vis-à-vis the project's needs.

Civil servants: Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of the Gambian Government's existing public sector employment agreement or arrangement unless there has been an effective legal transfer such as secondment of their employment or engagement to the project. There may be situations in which government civil servants have no employment relationship with the project and, therefore, cannot be considered project workers. Nevertheless, they may be involved in project activities in their governmental capacity.

Contracted Workers: The precise number of project contracted workers that will be employed is currently not known, however, this will become known when implementation begin. Contracted workers will include Consultants and Civil Works Contractors, including fencing of gardens, borehole drilling and trenching for water pipe distribution networks.

Consultants will be recruited to implement safeguard activities and capacity-building tasks. Civil Works Contractors and other Workers are contemplated under Components 1, 2, 3 and 6 in the Project. Component 1 includes civil works for rehabilitation and construction of gardens and marketing infrastructure, including feeder road construction, demonstrational activities, installation of climate-smart technologies, etc. Additionally, workers will be recruited for the fencing of vegetable gardens, borehole drilling and trenching for water pipe distribution networks and the distribution of fertilizers. MLRG&RA will also hire field work staff to support the land registration pilot activities.

Table 2: types and estimated number of contracted workers

Type of Workers	Estimated Number
Design and Supervision Consultants	16
Construction of road Workers	70
Construction of Vegetable modern gardens workers	70
Construction of Storage facilities, aggregation centers and garden fences	60
Construction of plant Pathology and Biological Control Laboratory workers	25
Safeguard activities and capacity-building consultants	10
Bore drilling workers	30
Workers for the trenching for water pipe distribution networks	70
Fertilizer distribution	60
Land surveyors and administrators	15
Total	426

Characteristics of Project Workers:

Looking at the nature of the project workforce (mostly un-skilled and semi-skilled construction workers) and characteristics of the labor force market in The Gambia, it is likely that the workforce, especially the lower-skilled workers, will be predominantly male. In a more limited number, female workers are expected to be employed by GIRAV through consultants and Contractors. Women are estimated to represent about 5-10 percent of the workforce, and those would likely be technical (engineering) and/or administration and general services (staff working in the site offices and camps as secretaries, receptionists, cleaners, cooks, etc.). The expectation is that most labor will be locally hired except for a few skilled workers. Contractors shall be encouraged to train and hire as many workers as possible from local communities.

Following the ILO guidelines and experience learned under previous projects implemented by the Ministry of Agriculture, all workers will be over 18 years old (on average 25-40 years old).

Timing of Labour Requirements:

Direct workers will be required to work either on a full-time or part-time basis. Similarly, consultant Service workers shall be required full-time, part-time, and intermittently based on need for the project

duration. Civil works contracted workers will be required on a need basis. Construction works are all year round but can vary depending on the weather conditions, especially during the rainy season in The Gambia. The contractors are at liberty to mobilize and attract a labor force that will coincide with the type of works and the timing.

Contracted Workers: Anticipated and known contracting workers and structures for the project with numbers and types of contractors/subcontractors must be established. Also, the likely number of project workers to be employed or engaged by each contractor/subcontractor must be provided. Suppose it is likely that project workers will be engaged through brokers, intermediaries, or agents. In that case, this should be noted together with an estimate of how many workers are expected to be recruited in this way.

Migrant Workers: Migrant workers, if foreseen (either domestic or international) are expected to work on the project as skilled expatriates; this should be noted and details provided.

4.0 ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

The GIRAV project involves several activities, including civil works (construction and rehabilitation of irrigated rice perimeters and vegetable gardens), installation of the solar energy system and processing platforms, improvement of access to potable water in rural and peri-urban areas, improvement of access to fertilizer, and maintenance of financed irrigation equipment to ensure its sustainability.

Assessment has been carried out, and it is expected that key labor risks would be associated with health and safety risks related to the trenching for water reticulation systems, and exposure to chemical fertilizers including obsolete and empty containers of fertilizers and other chemicals during distribution and application, construction of agro-logistics centers and rehabilitation of buildings and feeder roads, such as exposure to physical, chemical and biological hazards during construction activities, use of heavy equipment, trip and fall hazards, exposure to noise and dust, falling objects, exposure to hazardous materials and exposure to electrical hazards from the use of tools and machinery and waste.

The GIRAV project will prevent accidents, injury, and disease arising from, associated with, or occurring in the course of work by minimizing, as far as reasonably practicable, the causes of hazards. In a manner consistent with good international best practice, as reflected in various internationally recognized sources, including the World Bank Group Environmental, Health and Safety Guidelines, the project will address areas that include the following:

- (i) identification of potential hazards to workers, particularly those that may be life-threatening;
- (ii) provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances;
- (iii) training of workers;
- (iv) documentation and reporting of occupational accidents, diseases, and incidents; and
- (v) emergency prevention, preparedness, and response arrangements. Requirements to follow good industry practice and ILO Guidelines will be included in the bidding documents of all civil works contractors. Contractors will also be required to develop the Contractor's LMP in line with the project LMP, which will be monitored by GIRAV Safeguard team throughout Project implementation.

Under Component 2, the Project will support horticulture farmers via credit lines and grant schemes. These may be small farms with 0.5 hectares of arable land, as well as larger farms with the size of 60 hectares and more. Additionally, under component 6 of the Additional Financing (AF) on improving access to water, several activities will be undertaken, including the drilling of new boreholes, construction of pump headworks and solar energy connections, extension of water distribution networks such as construction of tanks and centralized treatment centers where necessary and new household connections. All these activities, especially in rural areas, may attract the risk of forced child labor and exploitation. To mitigate this risk, GIRAV will require that Participating Financial Institutions (PFIs) credit recipients introduce screening, training, and monitoring measures to ensure that credit recipients (agricultural enterprises or cooperatives) commit to positive environmental and social practices, including zero tolerance for forced or child labor. The respective screening and monitoring measures implemented by GIRAV and PFIs are described in more detail in the Project Environmental and Social Management Framework.

4.1 Sexual Exploitation Abuse and Harassment (SEA/SH)

A preliminary assessment by the Bank team indicates that the SEA/SH risk is low in the Gambia. However, adherence to the national Labor Code and related legislation shall be observed and enforced, prohibiting discrimination, child, and forced labour. There will be specific procedures for addressing SEA/SH, including confidential reporting and the safe and ethical documentation of SEA/SH cases throughout the GIRAV project implementation phase. Gender-based discrimination is to be prohibited and monitored by GIRAV project coordinators.

4.2 Forced and Child Labour Issues: Sectoral Risks

The Gambia has been working towards abolishing past child labor practices associated with the agricultural sector and has achieved significant progress. Efforts continue to be made within the country to eliminate child labor, including the significant increase of fines ranging from fifty thousand dalasis to hundred thousand dalasis for using such practices or imprisonment for a term not exceeding Sections 41 to 46 of the Children's Act, 2005 also provide similar safeguards and guidelines on child labour and established similar fines and punishments for whosoever may be found wanting.

A five years, or both the fine and imprisonment according to Section 48 of the Labour Act, 2007.

A Grievance Mechanism, Civil Societies Groups, and the Child Protection Unit of The Gambia Police Force to report forced and child labor cases are established and responsible for monitoring child rights. Protections using a 24-hour helpline and internet sites should be established. Third-party monitoring of child labour and forced labor before and during the project implementation will mitigate child exploitation.

No child or forced labour, involuntary or unpaid labor shall be used in any civil works activities contracted by or directly associated with the project.

The restrictions on child and forced labour will be implemented and monitored by GIRAV Project Coordinating Team and will be included in the training to be provided to GIRAV staff, staff of Participating Financing Institutions (PFIs), and government officials in participating regions. These provisions will also be included in the Subsidiary Agreements signed between the Central Bank, GIRAV, and PFIs.

Table 3 Summary Assessment of Key Potential Labor Risks with Mitigation Measures

No.	Activities to be Considered	Anticipated Risks	Mitigation Measures
1	Employment recruitment and working conditions	• Lack of formal work contract • Lack of disability insurance • Lack of adherence to official work hours • Violation of national labor law regarding employment of Child laborers and forced laborers. • Lack of equal pay for equal work for men and women • Discrimination in recruitment and employment	• Labor Management Plans for individual sub-components, prepared as part of ESMP: CPCU and consultant should monitor adherence to LMP • In accordance with The Gambia Labor Act 2007, recruitment of child laborers is against the law, and age will be checked on the national Identity card - Minimum age (16) for work (Section 43 of the Labor Act) • Sensitization sessions are to be conducted among all stakeholders regarding child labor and forced labor • GIRAV project will establish an Environmental and Social Management System which will include procedures for payment to men and women and selection criteria for local employment opportunities
2	Grievance Mechanism	• Lack of adequate and accessible GM • Lack of awareness about GM • Non-functionality of GM	• Grievance Mechanism should be accessible for workers/employees under each sub-component (including access by direct, contracted, and primary supply workers) • Direct and contracted workers should also have access to register complaints at different levels, including community, project management, and ministry levels. • Members of the GRC should include representatives from the community and local NGOs dealing in agricultural activities, including a female as a member if possible. • Public information posters in the local language will be distributed among the local community at project sites to

No.	Activities to be Considered	Anticipated Risks	Mitigation Measures
			use grievance services. • GRC for workers will be trained to address workers' grievances and other workplace issues effectively and efficiently. • In case the GRC cannot resolve the grievance for workers, it will be taken to the next level.
3	Occupational Health and Safety (OHS) plans	• Serious accidents and injuries which could lead fatalities and disabilities due to a lack of adequate OHS measures. • Lack of OHS plan • No qualified OHS is permanently on-site. • Risks of exposure to electrical and chemical hazards • Risk of traffic crashes due to lack of proper traffic control measures during road construction and rehabilitation phases. • Exposure to noise and dust pollution during civil works	• Preparation and adequate implementation of an OHS Policy and risk Assessment, according to updated Plans, having regular inspections and toolbox meetings to address problems concerning OSH • The project recruited environmental and Social Safeguard specialists. • Specialists for this purpose have a ToR with the appropriate line of reporting and will make regular inspections and write reports on findings and needed recommendations. • All workers will be given induction training in OSH aspects, meetings by Environment Social Safeguard Specialists and Personal Preventive Equipment (PPE) will be provided to all laborers as relevant depending on safety risks of the tasks. • Site first aid kits and nurse/first aider on site. • Ensure proper safety labeling is done on-site • Employ local traffic wardens to control traffic on bypasses. • Provide appropriate and adequate personal protective

No.	Activities to be Considered	Anticipated Risks	Mitigation Measures
			equipment (ear plugs/muffs, nose masks, goggles, reflective vests, gloves, and overalls) to all on-site employees. Also, ensure that construction sites are adequately treated with water to prevent dust emissions. • Ensure all materials are in place and excavations are backfilled immediately after installation. • Ensure adequate protection of trenches with visible taps to avoid humans and animals falling, thus sustaining injuries. • Fertilizer distributors and farmers must be trained on the safe handling of chemical fertilizers and advised to use appropriate PPEs at all times. • Safe management of obsolete and empty containers of fertilizers
4	Sexual Exploitation and Abuse/ Sexual Harassment (SEA/SH)	• Lack of equal pay and wages for equal work for men and women. • Discrimination during recruitment and employment. • Acts and/or threats of Physical, Sexual and Psychological harm (targeting men and women) • Act of sexual exploitation or abuse (targeting men and women).	• Ensure wages are prescribed for the task and not based on gender and must be included in the employment contract. • CPCU Social Safeguard Specialist in collaboration with GBV specialists at the Ministry of Gender and Children Affair, and Ministry of Lands, Regional Governments and Religious Affairs to support the implementation of the SEA/SH prevention and response Action Plan, including the development of SEA/SH awareness materials and development of referral pathways • Code of conduct (CoC for project staff and contractors will need to be incorporated in the employment contracts. maintain labor relations.

No.	Activities to be Considered	Anticipated Risks	Mitigation Measures
			• A copy of the CoC shall be displayed in project locations easily accessible to the community and project-affected people. It shall be provided in English and a widely spoken local language in the area of the pictorial demonstration.
5	Recruitment Policy for Contracted Workers	• Corruption & nepotism in the recruitment process • Exclusionary practices in recruitment, e.g., discriminating certain groups • Social conflict by local communities feeling excluded from employment opportunities • Violation of local cultural values and customs, especially by gas companies.	• Recruitment policies (which should be locally consulted) should ensure that all the technical contracted staff are recruited through open, non-discriminatory, transparent processes, with job announcements posted locally, away from the construction site. • The priority should be given to local employment if they can fulfill the job requirements. • Unskilled labor should be recruited locally. • Sensitization and orientation about local cultural norms, values, and customs.
6	COVID-19 and other communicable disease prevention	• Risks of infection during community visits and meetings. • Absence of a preventive mechanism to protect project workers	• Preparation and implementation of risk communication, community engagement, and behavior change, including social distancing measures and associated mitigation strategies. • Sensitize workers on communicable disease prevention.

5.0. OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

The 1997 Constitution of The Gambia includes a chapter on citizens' Economic and Social Rights. According to these provisions, everyone is entitled to:

- the right to work, free choice of work, fair conditions of labor and protection against unemployment in the procedure specified by law. Any forced labor shall be prohibited except for punishment under the sentence of a court or some other instances stipulated by law. Sections 20, 215, and 216 respectively of the 1997 Constitution;
- right to rest and sick leave is included in Section 74 of the Labour Act -
- *“Citizens, working on hire, shall be entitled to a paid rest. The number of working hours and paid labor leave shall be specified by law”*; Social security in old age in the event of disease, disability, loss of a breadwinner and in other cases stipulated under the law under the Labour Act, 2007;
- the right to skilled medical care Section 216 (4) of the 1997 Constitution; and
- Equal rights of men and women are guaranteed by the 1997 Constitution Section 28.
- the right, both individually and collectively, to submit applications and proposals, and to lodge complaints with competent state bodies, institutions, or public representatives.

Applications, proposals, and complaints shall be considered in the procedure and within the time limit specified by law”.

The Labour Act, 2007 of The Gambia was introduced on October 17, 2007, and treat labor legislation with due account of the interests of the employees, employers and states, fair and safe labor conditions and the protection of the labor rights and health of the workers. This Act governs employment relationships and other relations, directly and indirectly relating to the rights and freedoms of the parties of employment relationships, the establishment of the minimum wages, and guarantees of the rights and freedoms in the sphere of work. The 1997 Constitution of The Gambia prohibits discrimination and guarantees that all citizens have equal work rights; labor relations discrimination is prohibited. Any differences, non-admission or preference, or denial of employment, regardless of nationality, race, gender, language, religion, political beliefs, social status, education, or property, leading to a violation of equality of opportunities in the field of labor, are prohibited. A person who considers that he has been subjected to discrimination at work may apply to the court for the elimination of discrimination and compensation for material and moral damage caused to him.

According to Labor Act, labor-management relations should be formalized in a fixed-term or temporary employment contract. The maximum and minimum length of a single fixed-term contract is determined by the Labor Act (except for few specific positions).

The Ministry of Trade, Industry, Regional Integration and Employment of the Republic of The Gambia is the main state institution responsible for labour, employment, and social protection policymaking. The ministry is tasked with developing and regulating the labour market and ensuring employment of people, regulating labour relations and labor protection, providing social services for the population and medical-social rehabilitation of persons with disabilities.

The supervision and monitoring of compliance with Labour Act requirements and protection of labour rights of citizens are implemented by the Labour Commissioner under the Ministry of Employment and Labour Relations and its territorial subordinate structures according to the Labour Act”.

Age of employment: Section 45(1) of the Labor Act, 2007 – Prohibits Child labor – and states as follows:

“Subject to subsection (2) and the Children’s Act, 2005, no person shall engage a child in any public or private agricultural, industrial or non-industrial undertaking or in any of their branches”.

Forced labor is defined as “to perform work under the threat of any punishment (including as a means of labor discipline)” and is prohibited under Section 20 (Protection from slavery and forced labour) of the 1997 Constitution except sanctioned by a court of competent jurisdiction. The right to work is permitted for persons aged 16 and older (Section 43 of the Children’s Act, 2005). The statute allows the hiring of students from secondary schools and professional educational institutions as internship to perform light work that does not harm their health, physical and moral development and does not interfere with the learning process in their free time, provided that they are over the age of 15 with the written consent by a parent or legal guardian. No one under the age of 15 can work as provided under the Labour and Children’s Act.

Persons aged between 15 and 18 years old have the right to work based on local legislation and have the same rights as adult workers with some benefits due to their age. People under the age of 18 can be employed only after a medical examination and, further, until reaching the age of eighteen, are subject to the mandatory annual medical examination. People under 18 years old can be employed only for works that have no risk to their health, safety, or moral and physical well-being. They are not allowed to lift and move heavy objects/equipment (Section 44 of the Children’s Act, 2005).

Section 48 of the Labour Act imposes fines for violating the above-mentioned regulations on forced and child labor in accordance with the labor Act and the Children’s Act. The law imposes fines ranging from fifty thousand dalasi to a hundred thousand dalasi for violators. The Gambian child justice system comprises four children's courts that have jurisdiction over crimes committed by children. Each court is presided over by a magistrate who is assisted by a specialized panel. The country has also established a Police Child Welfare Unit and a Child Unit in the Ministry of Justice. In 2019, the National Legal Aid Agency provided support to 98 children in violation of the law.

Despite the progress made, there are still many gaps linked to a lack of capacity or resources and the absence of guidelines and an overarching policy framework to prevent child and forced labor.

Wages and deductions: Contracts and collective agreements establish the form and amount of compensation for work performed. It is forbidden to pay in kind, except in cases where parties agreed to Sections 76 and 77 of the Labour Act. The Government establishes a minimum wage. District coefficients and allowances for wages are established in areas with adverse climatic and living conditions. The minimum wage for seasonal and daily workers per day was also established.

Employers are obligated to pay workers at least once per half-month. Compensations for the payment delays can be included in the collective agreement. Employers also must pay for work-related damage to health or property, and families are compensated in case of death. Deductions are allowed mainly for taxes and other obligatory payments set by the Government of The Gambia, as well as for specific reasons, but may not exceed 50 percent of the amount owed to the employee, and payment after deductions may not be less than the minimum rate determined by the government.

Women: Night-time work, overtime work, work on weekends and business trips for pregnant women and women with children under the age of 14 (with disabled children up to 16 years old), are allowed only with their consent. Recruitment of pregnant women and women with children under 3 years of age for night works is allowed only if there is a medical certificate confirming that such work does not threaten the health of the mother and the child. This is another lacuna in the Labour Act and will be captured in the LMP of GIRAV to ensure compatibility with international best practices. According to Section 71 of the Labour Act, pregnant female workers are entitled to six weeks of maternity leave

before and after the confinement leave. Her position is guaranteed upon her return from such leave. Men (fathers) also enjoy a similar package but are limited to only two weeks of paternity leave.

Working hours: The standard work week is 40 hours, with less allowed for those under 18 and women with children up to 3 years old. The number of hours per day and days per week is established in the contract/agreement between the employer and employee. Employers must provide time off each workday for “rest and food” and paid time off in case time is needed to cool off, warm up, or breastfeed children. Details of time off are established in contracts/agreements.

Leave: In addition to national holidays, employees must receive at least 28 working days of paid leave per year, across the board. In addition, those who work in unhealthy and unfavorable conditions, e.g., unfavorable climate conditions, receive an extra day. Leave without pay may also be taken by certain groups of people and may also be covered in contracts. Employees are paid for unused leave at the termination of employment, or they may use the leave as their last days of employment (Severance Pay – (Section 67 of the Labour Act).

Overtime work: Overtime compensation as specified in employment contracts or agreed to with an employee’s trade union, which can be implemented as additional pay or leave. The law states that overtime compensation should not be less than 200 percent of the employee’s average monthly salary rate (broken down by hours worked). Additional leave time should not be less than the length of actual overtime work.

Redundancy/Layoffs and Dismissal/Firing: The Labour Act differentiates between layoffs/redundancy and dismissals/termination. Employees can terminate their employment by filing a two-week prior written notice or applying for leave without pay (Section 55 – Notice of termination of contracts for an unspecified period). An employer can initiate redundancy and re-organization if a dismissal is wholly or mainly due to the following: worsening of the economic situation; organizational, climate, or technical reasons, including mechanization or automation (Section 93 of the Labour Act, 2007). The termination of a contract is determined by the nature of the contract, i.e., whether the contract is for a specified period or unspecified period or specific task (Section 55 Labour Act, 2007). For Severance Pay, the employer should personally give two months’ advance notice in the case of corporate liquidation or optimization, two weeks’ advance notice in the case of an employee’s incompetence, and three days’ advance notice in the case of an employee’s malpractice or unacceptable violations. In case of severance caused by corporate liquidation or optimization, an employee should receive compensation, which should not be less than two average monthly salaries paid during their employment plus payment for unused leave (if another form of compensation was not agreed to in the employment contract) Section 67 of the Labor Act, 2007.

Labor disputes: The Industrial Tribunal and general court system, where civil and criminal cases are tried, is responsible for resolving labor-related disputes. This can be done on a regional or city level. Formally, workers can file their complaints through the Labor Commissioner. The Ministry of Employment and Labor Relations should provide legal support to employees in their labor disputes.

Disputes may be adjudicated by the Labor Commissioner that is created with regard to employment and agencies representing the interests of the employee. (That is, with equal representation of employee(s) and employer), the Commissioner may assist if the employee consents (Section 20 of the Labour Act).

Enforcement of Labor Act: Is implemented by the Industrial Tribunal and the Labor Commissioner under the Ministry of Trade, Industry, Regional Integration and Employment, and its territorial subordinate structures. The Tribunal has the jurisdiction conferred on it by this Act and any other law.

6.0 BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

6.1 National Labour Legislation

Occupational Safety and Health (OSH) legislation comprises the Labor Act, the Law on OSH, OSH standards, and policies of government agencies taken within their competence in the form of rules, regulations, orders, directives, etc. Quite several provisions of **the Labor Act** are directly linked with issues of OHS, including requirements (Section 70); Ensuring safe and healthy labor conditions (Section 68); Instruction and training in OSH matters (Section 37); Regulation of working hours in hazardous occupations for workers performing special work and workers under 18 (Section 46 of the Labor Act and 44 of the Children's Act); Terms and conditions of employment Section 68 of the Labour Act. Employer to provide medical examination before employment Section 70 of the Labour Act and for the employer to provide and supply safety equipment free of charge, as specified in the second schedule (Section 72 of the Act).

The Law on Labor Protection: The law is aimed at further improving the labor protection system, strengthening the responsibility of employers and workers to execute requirements in this area, defining public authorities' powers to ensure proper monitoring of working conditions and safety, increasing efficiency of public control in this field, bringing certain provisions of the current law in accordance with the requirements of the ILO and the World bank standard guidelines.

The law introduces new concepts and regulates issues of certification of workplaces on working conditions, audit of the OSH management system, investigation, and registration of accidents at work, and occupational diseases. It establishes specific mechanisms for public and trade union participation in implementing public control in this field and secures their rights related directly to OSH activities.

The Law on Occupational Safety in Hazardous Production Facilities, The Gambia Protection against particular hazards – Law, Act *Hazardous Chemicals and Pesticide Control and Management Act 1994 (No. 12 1994)*.

Sets down the legal, economic, and social terms of ensuring safe exploitation of hazardous production facilities and is aimed at preventing accidents and building the capacity of enterprises to liquidate their aftermath.

Under the Labor Act, Rules of Compensation by the employer of the mishap caused to employees by injury, Occupational Disease or other Work-related health impairment were introduced. Under the law on OSH, a worker who has been fully or partially disabled through the employer's fault as a result of an occupational accident or professional disease is entitled to a lump-sum payment and compensation of damage to health paid by the entity. The lump-sum payment is determined by the collective contract (agreement) and may not be less than the victim's annual wages.

The entity is obliged to compensate the victim for the cost of treatment and other types of medical and social assistance and ensure retraining and reemployment of the victim in accordance with the medical report or pay the cost of the injury. In the event of the death of a worker, the entity pays material damage to the persons entitled to it as well as a lump sum payment to the deceased, as per the law.

Enforcement of OSH Legislation: The main state bodies responsible for the implementation of OSH policy are:

- ❖ Industrial Tribunal, and

❖ Labor Commissioner;

The National Environment Agency (NEA) is responsible for the following:

- for supervision of the mining industries;
- for supervision of the oil and gas industry; for supervision in the chemical, metallurgical and oil and gas processing industry; for gas supervision;
- for boiler and underground structures supervision;
- for geological prospecting supervision;
- for nuclear industry supervision;
- for transport and storage of petroleum products supervision;
- for supervision of the carriage of hazardous cargoes;
- for supervision of subsoil resources, processing of mineral raw materials and geological and surveying control;
- for supervision of compliance with the technical rules of grain storage and processing;
- for supervision of the work of power stations, substations, and networks; and
- the supervision of the utility sector

Sanitary supervision is carried out in the name of the state by the agencies of the Ministry of Health in collaboration with the NEA in accordance with the basic laws of the Republic of The Gambia: The Constitution, the Laws on Protecting the Health of Citizens and On State Sanitary Supervision and other regulations.

On measures to improve the performance of the Ministry of Employment and Trade of The Gambia, we recommend that - each organization must have Labor Protection personnel who is responsible for:

- i) organization of work to ensure that employees comply with labor protection requirements;
- ii) monitoring compliance by employees with laws and other regulatory legal acts on labor protection, regulatory documents in the field of technical regulation on labor protection, the collective agreement, labor protection agreements, and other local regulatory acts of the organization;
- iii) informing and advising the employer and employees of the organization on labor protection issues, introducing best practices and scientific developments on labor protection, and promoting labor protection issues;
- iv) Implementation of measures for the organization of induction training, retraining, and advanced training of employees on labor protection issues.

Organizations having employees less than 50 people should have at least on labor protection specialist or one of the managers combine the work of the labor specialist, and for organizations with employees of more than 50 people, labor protection services need to be created within the organization.

The Law of The Gambia “About mandatory insurance of civil liability of employer” obliges employers, under the conditions and in the manner established by the law, to ensure its civil liability for compensation for harm caused to the life or health of the employee in connection with work injury, occupational disease or other health damage associated with the performance of his/her labor duties.

6.2 The World Bank Environmental and Social Standards: ESS 2

The World Bank's stipulations related to labor are outlined in its ESS Standard-ESS2. This helps promote sound worker-management relationships and enhances the development benefits of a project by treating workers fairly and providing safe and healthy working conditions. Key objectives of the ESS 2 are to:

- ✓ Promote safety and health at work;
- ✓ Promote fair treatment, nondiscrimination, and equal opportunity of project workers;
- ✓ Protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and, migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- ✓ Prevent the use of all forms of forced labor and child labor;
- ✓ Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law; and
- ✓ Provide project workers with accessible means to raise workplace concerns

ESS2 applies to project workers, including full-time, part-time, temporary, seasonal, and migrant workers. Where government civil servants work in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants' working conditions and management of workers' relationships.

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

For more details on the WB Environmental and Social Standards, please follow the links below: www.worldbank.org/en/projects-operations/environmental-and-socialframework/brief/environmental-and-social-standards and <http://projects-beta.vsemirnyjbank.org/ru/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>.

6.3 National Legislation and World Bank ESS2 Conformity

The GIRAV will ensure that the conformity of national law will be covered by the project contractors and PFIs as in line with the ESS2. This includes each Contractor and PFIs to follow this LMP and introduce their Grievance Redress Mechanism. Equal Opportunity and Non-discrimination: the law contains important provisions prohibiting discrimination based on sex and disability, including equal wages for equal work. Timely payment of Wages and Worker rights in terms of having regular leaves and benefits. Contractors will not hire persons aged fewer than 18 to work in the project activities.

PFI will require written confirmation of credit recipients to comply with national law, including explicitly to not engage or promote in any form the use of forced or child labor.

6.4 Responsible Staff

The GIRAV Project Coordinator will be responsible for the overall management and implementation of the Project. The coordinator will be responsible for the operational implementation of the components and will support the GIRAV Coordinator. Other GIRAV staff related to this project will include a finance specialist, procurement specialist, monitoring and evaluation specialists, social safeguard specialist, environment safeguard specialist, regional project officers, and NAWEC Head of Water Division and staff, and directors of Departments of Physical Planning and Housing and Lands and Surveys. All these will form a technical working group advising the project coordinator and to adequately respond to the needs and requirements of the project.

Overall, the GIRAV represented-environmental and social safeguard Specialists will be responsible for the following concerning labor management:

- ❖ Implement this labor-management procedure for its direct workers;
- ❖ Ensure that contractor(s) prepare their labor management procedure, in compliance with this labor-management procedure, and occupational health and safety plan before the design stage;
- ❖ For stand-alone construction works, separate LMP will be prepared; for minor reconstruction or rehabilitation works, LMP provisions, including OHS will be integrated into the site-specific Environment Social Management Plan.
- ❖ Monitor that the Contractors are meeting obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Bidding Documents, and in line with ESS2 and the national labor Act;
- ❖ Monitor implementation of contractors' labor management procedures;
- ❖ Monitor that occupational health and safety standards are met at workplaces in line with national occupational health and safety legislation and OSH Plan;
- ❖ Monitor training of the project workers;
- ❖ Ensure the grievance mechanism for project workers is established and monitor its implementation.

The Contractors will be responsible for the following:

- Employ or appoint qualified environmental and occupational safety experts to prepare and implement project-specific labor management procedures, occupational health, and safety Plans, and manages subcontractor performance;
- Develop Contractor's Labor Management Procedures and OSH Plans which will apply to contracted and sub-contracted workers. These procedures and plans will be submitted to the Supervision Consultant for review and approval before the contractors mobilize for the design stage;
- Contractors will supervise their subcontractors' implementation labor management procedures and occupational health and safety plans;
- Maintain records of recruitment and employment process of contracted workers;

- Communicate job description and employment conditions to contracted workers;
- Develop and implement workers' grievance mechanisms and address the grievances received from the contracted and sub-contracted workers;
- Have a system for regular review and reporting on labor, and occupational safety and health performance;
- Deliver regular induction (including social induction) and Health Safety Environment training to employees;
- Ensure that all contractor and sub-contractor workers understand and sign the Code of Conduct before the commencement of work.

After the bidding process is completed and the Contractors are known, this -management procedure can be updated to include additional company details, as necessary. will evolve and adapt to changing circumstances before and during project implementations.

7.0 POLICIES AND PROCEDURES

As provided under the Labour Act, the employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination concerning the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion, or termination of employment. The following measures will be followed by contractors and monitored by the GIRAV to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and, non-discriminatory, and open concerning ethnicity, religion, disability, or gender;
- Applications for employment will only be considered if submitted via the official application procedures established by the contractors;
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post;
- All workers will have written contracts describing the terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract;
- Employees will be informed at least two months before their expected release date of the coming termination;
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer (in this case, the “Employer” would be the contractor);
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in a language that is understandable to both parties;
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation;
- It is noted that language-related problems will be expected, but if the need arises, interpretation will be provided for workers as necessary;
- Foreign workers, if any to be hired, will require residence permits, which will allow them to work in The Gambia;
- All workers will be 18 years old or above for civil work. This will be a requirement in GIRAV contracts with civil works contractors. GIRAV will ensure that no construction workers between 15-18 years are employed unless they are hired for light works with shortened working hours (out of school time);
- Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the workers' representatives, in compliance with the established working week duration of the law.

Monitoring of the measures mentioned above will be conducted directly by relevant GIRAV staff and the contracted Consultants.

7.1 Health and Safety at Work

As the GIRAV project will involve civil works, there will be different on-site risks and hazards. To address OHS risk, adequate measures will be incorporated into the labour-management plan, including providing appropriate and adequate Personal Protective Equipment (PPEs) with safety sessions on OHS risks for community workers. The labour management plans for the GIRAV project will

introduce proper Standard Operating Procedures to establish and maintain a safe working environment and prevent accidents, near-misses, and disease transmission as per requirements of ESS2. Pursuant to the relevant provisions of the Labor Act, 2007 and WB ESS2, the contractor shall manage all project sites so that the workers and the community are properly protected against possible OHS risks. Key elements of OHS measures should include:

- Medical test/examination to be made available to all irrespective of physical disability prior to their engagement during implementation phases.
- identification of potential hazards to workers;
- provision of preventive and protective measures;
- training of workers and maintenance of training records;
- documentation and reporting of occupational accidents and incidents;
- emergency preparedness; and
- remedies for occupational injuries and fatalities.

7.2 Child labour

A child under the age of 15 will not be employed or engaged in this project. This is according to the Gambia Labour Act, Children's Act, and ESS2 requirements. However, in accordance with Section 43 of the Labour Act, the right to work is permitted for persons aged 16 and older. The law allows the hiring of students from secondary schools and professional educational institutions as internship to perform light work that does not harm their health, physical and moral development and does not interfere with the learning process in their free time, provided that they are over the age of 15 with the written consent by a parent or legal guardian. The enforcement will be done by checking legally recognized documents such as birth certificates and national identity cards.

Further, sensitization sessions will be conducted regularly in communities to raise awareness on the negative consequences of Child and forced Labour. In accordance with the World Bank ESS2, the CPCU shall monitor and employ mechanisms to prevent the use of all forms of forced labour and child labour. Additionally, to prevent the engagement of under-aged labor, all contracts shall have contractual provisions to comply with the minimum age requirements including penalties for non-compliance. The contractor must maintain the labour registry of all contracted workers with age verification. Section 45 (1) of the Labour Act requires that any employer in an industrial undertaking shall keep a register of the children employed by him or her.

7.3 Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH)

Projects involving civil works would predominantly employ younger males. Those away from home on such jobs are typically separated from their family and act outside their normal sphere of social control. This can lead to inappropriate and criminal behavior, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community. A large influx of male and, in some cases, female labor may also lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work.

7.4 Fatalities and Serious Incidents

To prevent workplace accidents, the worksite will be adequately planned to have clear and conspicuous signs in all work areas including Emergence Assembly Point, restricted work zones and important directions. In addition, worksite rules and procedures will be established to provide information on precautions and appropriate actions to avoid accidents, including mandatory use of

protective gears. However, in the event of an occupational fatality or severe injury, the CPCU shall report to the Bank as soon as becoming aware of such incidents and inform the government) in accordance with national reporting requirements (Labour Act Part II, Section 16). Corrective actions shall be implemented in response to project-related incidents or accidents. MoA CPCU Safeguard Team where relevant, the contractor will be required to conduct a root cause analysis to design and implement further corrective actions.

7.5 Labour Influx

There is an expected substantial number of jobs to be created as part of GIRAV project infrastructural activities including various civil works which will attract labour influx. GIRAV's operational procedure will mandate and localize the economic benefits and only allow for outside, including expatriate labor, where there is a requirement for specific skills. To minimize the labour influx, the GIRAV project will contractually require the contractor to preferentially recruit unskilled labour from local communities, especially in project implementation sites. All contracted workers will be required to sign the code of conduct (see Annex 1 on the Guideline on Code of Conduct (CoC)) before the commencement of work, which includes a provision to address the risk of SEA/SH. The CoC governs both on-site behaviours (with colleagues) and conducts in the community. The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior. The CoC must include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation, and sexual harassment (e.g., termination). Relevant training will be provided to workers, such as induction and daily toolbox talks outlining expected conduct and local community values.

7.6 Protection of workers' rights and management of conflicts related to work and employment conditions

Fair terms and conditions will be applied for all project workers in the GIRAV Project to avoid labor disputes. The Project will also have grievance mechanisms for project workers (direct workers and contracted workers) in place to promptly address their workplace grievances. Further, the Project will respect the workers' right to labour unions and freedom of association, as set out in the National Labour Act, 2007, (Part XIII, Section 107 – 114).

7.7 Discrimination and Exclusion of the Vulnerable and Disadvantaged

The employment of workers under the GIRAV Project will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination concerning any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. To address the risk of exclusion of vulnerable groups (such as women and persons with disabilities) from employment opportunities, the Project will require the contractor to employ such groups as part of their unskilled workforce. The contractor must also comply with the National Labour Act, 2007 (Part VIII) on gender equality in the workplace, which will include the provision of maternity leave and nursing breaks and sufficient and suitable toilet and washing facilities, separate from men and women workers. The contractor will also be required to enable safety in the workplace to address potential sexual exploitation or harassment in the recruitment or retention of skilled or unskilled female workers supported and potential discrimination along ethnic lines under the project.

Table 5: Overview of Project policies and indicative procedures to address key labor risks

Key labour risks	Policies to address risks	Procedures to back up the policy
OHS Risks	In conformity with OHS requirements as set out in Labor Act 2007, ESS2, the Project ESMP and WB standard procurement documents	- Select legitimate and reliable contractors through screening OHS records; - Address adequately OHS risks with noncompliance remedies in procurement documents; - Require the contractor to engage qualified OHS staffing - Enhance workplace OHS awareness and training; - Provide materials for handwashing and hygiene at work sites; - Provide masks in case of infectious disease outbreaks; - Practice social distancing on the worksite, following national and international guidelines, and - Conduct routine monitoring and reporting - Conduct induction sessions for new employees
Child Labour	- Set the minimum age of project workers eligible for any type of work (including construction work) at 18 years. - Allow the engagement of project workers between the age of 15 and under 18 years only for non-hazardous work that would not interfere with the child's education in accordance with ESS2	- Include minimum age in procurement documents; - Raise awareness on child protection with contractors and in the communities; - Maintain labour registry of all contracted workers with age verification; and - Develop remedial procedures to deal with child labour incidents.
Labour Influx	- Minimize the labour influx by prioritizing the local workforce. - Minimize labour-related risks in the community through the code of conduct, including GBV.	- Require the contractor to preferentially engage unskilled local workforce from the local communities (especially in project implementation sites); - Make all contracted workers sign a code of conduct, including the prevention of GBV; - Make all contracted workers follow the rules for on-site behaviour (with colleagues) and conduct in the community; - Conduct induction and toolbox talks outlining expected conduct and local community values; - Introduce disciplinary measures for violations and misbehaviours;

Key labour risks	Policies to address risks	Procedures to back up the policy
Labor disputes	• Respect the national Labor Code and promptly address workplace grievances to minimize the risk of labour disputes.	• Provide workers with contracts with fair terms and conditions; • Have grievance mechanisms in place to promptly address workplace concerns and • Respect the national Labor Code on workers' rights of labour unions and freedom of association
Discrimination and exclusion of vulnerable or disadvantaged groups	• Promote no discrimination and equal opportunity with respect to any aspects of the employment relationship	• Require the contractor to employ vulnerable groups as part of the unskilled workforce; • Provide maternity leave and nursing breaks where relevant. • Arrange sufficient and suitable toilet and washing facilities, separate for men and women workers; • Require the contractor to address potential sexual exploitation or harassment in the recruitment or retention of skilled or unskilled female workers and • Require non-discrimination and harassment and should be socialized/basis for training and cover potential ethnic discrimination.

7.8 Worker Engagement

With respect to project workers, reasonable efforts will be made to ascertain that the third parties who engage contracted workers are reputable and legitimate organizations with appropriate labour management procedures. The GIRAV project national coordinating unit will establish policies and procedures for managing and monitoring the performance of such third-party employers about the requirements of the ESS.

In addition, the project will incorporate these requirements in contractual agreements with such third-party organizations. Contracted workers will have access to a grievance mechanism. In cases where the third party employing or engaging the workers is not able to provide a grievance mechanism to such workers, the project's grievance mechanism will be available to the contracted workers. Contractors' labour management records and reports that may be reviewed would include:

- representative samples of employment contracts or arrangements between third parties and contracted workers;
- records relating to grievances received and their resolution;
- reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions;
- records relating to incidents of non-compliance with national laws; and
- adherence to applicable contractor workers' code of conduct and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

7.9 Compliance with the World Bank's Environmental, Health and Safety (EHS) Guidelines¹

Employers and supervisors are obliged to implement all reasonable precautions to protect the health and safety of workers. These reasonable precautions need to be implemented in managing principal risks to occupational health and safety. Furthermore, preventive, and protective measures should be introduced according

To address EHS guidelines, contractors, and sub-contractors' workers of the GIRAV project shall be knowledgeable of and comply with all EHS guidelines, including the following:

7.9.1 Safe Access

Passageways for pedestrians, including the workers and vehicles, during construction work should be segregated and provided for easy, safe, and appropriate access.

¹ <https://www.ifc.org/wps/wcm/connect/1d19c1ab-3ef8-42d4-bd6b-cb79648af3fe/2%2BOccupational%2BHealth%2Band%2BSafety.pdf?MOD=AJPERES&CVID=ls62x8l>

7.9.2 Air Quality

- Prevent poor air quality due to the release of contaminants into the workplace can result in possible respiratory irritation, discomfort, or illness to workers. Employers should take appropriate measures to maintain air quality in the work area;
- Ensure sufficient fresh air should be supplied for indoor and confined workspaces. Factors to be considered in ventilation design include physical activity, substance use, and process-related emissions. Air distribution systems should be designed so as not to expose workers to draughts;
- Ensure that mechanical ventilation systems are maintained in good working order. Point-source exhaust systems required for maintaining a safe ambient environment should have local indicators of correct functioning;
- Ensure air inlet filters are kept clean and free of dust and microorganisms;
- Ensure all necessary measures are taken to limit pollution from dust and any windblown materials during the Works, including damping down with water regularly during dry climatic conditions and
- Ensure that all trucks leaving the Site are properly covered to prevent discharge of dust, rocks, sand, etc.

7.9.3 Water Quality Control

- Ensure provision of adequate supplies of potable drinking water should be provided from clean sources such as standpipes, dispensers or with a sanitary means of collecting the water for drinking
- Ensure water supplied to areas of food preparation or for personal hygiene (washing or bathing) should meet drinking water quality standards

7.9.4 OHS Training

- As needed, a basic occupational training program should be provided to ensure that workers are oriented to the specific hazards of individual work assignments. Training should generally be provided to management, supervisors, workers, and occasional visitors to areas of risks and hazards.
- Workers with rescue and first-aid duties should receive dedicated training to avoid inadvertently aggravating exposures and health hazards to themselves or their coworkers. Training would include the risks of becoming infected with blood-borne pathogens through contact with bodily fluids and tissue.
- Through appropriate contract specifications and monitoring, the employer should ensure that service providers and contracted and subcontracted labor are trained adequately before assignments begin.
- Provisions should be made to provide OHS orientation training to all new employees to ensure they are apprised of the basic site rules of work at / on the site, personal protection, and

preventing injury to fellow employees.

- Training should include basic hazard awareness, site-specific hazards, safe work practices, and emergency procedures for fire, evacuation, and natural disasters, as appropriate. Any site-specific hazard or color coding should be thoroughly reviewed as part of orientation training.

7.9.5 Housekeeping

- Ensure housekeeping to maintain the site and any ancillary areas used and occupied for the performance of the works in a clean, tidy, and rubbish-free condition at all times;
- Comply with statutory and municipal regulations and requirements for the disposal of rubbish and waste. Suitable containers shall be provided for the temporary storage of waste;
- Rubbish containers shall be removed from the site as soon as they are full. Rubbish containers shall not be allowed to overflow;
- Domestic and biodegradable waste from offices, canteens, and welfare facilities shall be removed daily from the site;
- Toxic and hazardous waste shall be collected separately and be disposed of in accordance with National Environment Agency regulations and
- No waste shall be burnt on site.

7.9.6 Noise Pollution Control

- No employee should be exposed to a noise level greater than 85 dB(A) for more than 8 hours per day without hearing protection. In addition, no unprotected ear should be exposed to a peak sound pressure level (instantaneous) of more than 140 dB(C);
- The use of hearing protection should be enforced actively when the equivalent sound level over 8 hours reaches 85 dB(A), the peak sound levels reach 140 dB(C), or the average maximum sound level reaches 110dB(A). Hearing protective devices provided should be capable of reducing sound levels at the ear to at least 85 dB(A);
- Although hearing protection is preferred for any period of noise exposure over 85 dB(A), an equivalent level of protection can be obtained, but less easily managed, by limiting the duration of noise exposure. For every 3 dB(A) increase in sound levels, the ‘allowed’ exposure period or duration should be reduced by 50 percent²;
- Prior to the issuance of hearing protective devices as the final control mechanism, use of acoustic insulating materials, isolation of the noise source, and other engineering controls should be investigated and implemented, where feasible, and
- Periodic medical hearing checks should be performed on workers exposed to high noise levels

² The American Conference of Governmental Industrial Hygienists (ACGIH), 2006

8. AGE OF EMPLOYMENT

No one under the age of 15 is allowed to work under the Labor Act and the Children's Act. However, in accordance with Section 43 of the Labor Act, the right to work is permitted for persons aged 16 and older. The law allows the hiring of students from secondary schools, and professional educational institutions as internship to perform light work that does not harm their health, physical and moral development, and does not interfere with the learning process in their free time, provided that they are over the age of 15 with the written consent by a parent or legal guardian.

Employers/Contractors will be required to verify the identity and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport or medical or school record (Section 45 of the Children's Act - Registration of Children in Industrial Undertaking). Suppose a child under the minimum age is discovered working on the project. In that case, measures will be taken to terminate the employment or engagement of the child immediately in a responsible manner, considering the best interest of the child.

9.0 TERMS AND CONDITIONS

This section details the terms and conditions applying to GIRAV employees are set out in the LMP and the HR regulations approved by the GIRAV decision-making body. These internal labour rules and regulations apply to all GIRAV employees assigned to work on the project (direct workers). The terms and conditions of part-time direct workers will be determined by their contracts.

The Labor Act, 2007 provides a legal basis for safe and decent working conditions in The Gambia and applies three (3) types of employment contracts: Specified term employment agreements, Unspecified term, and Specific task contracts (Section 49). Most staff will be permanent staff with fixed-term employment agreements and fixed monthly wage rates. All the recruiting procedures will be documented and filed in the folders in accordance with the requirements of labour legislation of The Gambia. Monthly timesheets are also filed and kept accurately.

Work hours for GIRAV workers will be 40 hours per week, 5 days a week, eight hours per workday from 8:00am to 16:00pm, with a break for lunch from 13:00hr to 14:00hr. It is noted that the Labour Act provides for a work week of 40 hours but allows six-day weeks, which may be required for some project workers. All project workers receive at least one rest day 24 hours after six consecutive workdays. GIRAV employees are entitled to a paid annual vacation of 28 working days, depending on their work schedule and contract. Salaries are paid once a month, by the 25th of every month, or any other arrangement that aligns with the Gambia's Labour legislation.

HR Regulations also include basic rules for employee's good behavior, ethical concerns, conflict of interest provisions, and a provision on the Grievance Redress Mechanism procedure for its workers.

The contractors' labour management procedure will set out terms and conditions for the contracted and subcontracted workers. These terms and conditions will be in accordance with this labor-management procedure, The Gambia Labour Act and General Conditions of the WB Standard Documents.

10.0 GRIEVANCE MECHANISM (GM)

GIRAV provides a grievance mechanism for workers (and their organizations, where they exist) to raise reasonable workplace concerns. The GM procedure was prepared and approved by GIRAV. GIRAV informs the workers of the grievance mechanism at the time of hire and makes it easily accessible to them. The mechanism does not impede access to other judicial or administrative remedies available under law or through existing arbitration procedures or substitute for GM provided through collective agreements.

GIRAV will require contractors to develop and implement a grievance mechanism for their workforce, including sub-contractors, before the start of the design stage. The construction contractors will prepare their labor management procedure before the start of civil works, including a detailed description of the workers' grievance mechanism.

In addition to the administrative procedures that are available under national law and to which project workers, particularly direct and contracted workers, may have recourse:

- to report grievances using a comment/complaint form, suggestion boxes, email, a telephone hotline;
- grievances to be responded to within 5 days;
- a register to record and track the timely resolution of grievances;
- a responsible department to receive records and track resolution of grievances;

The workers' grievance mechanism will be described in staff induction training, provided to all project workers. The mechanism will be based on the following principles:

- The process will be transparent, allowing workers to express their concerns and file grievances. There will be no discrimination against those who express grievances, and any grievances will be treated confidentially.
- Anonymous grievances will be treated equally as other grievances whose origin is known.
- Management will treat grievances seriously and take timely and appropriate action in response.

Literature and Information about the existence of the grievance mechanism will be readily available to all project workers (direct and contracted) through notice boards, the presence of suggestion/complaint boxes, and other means as needed. Monitoring and Evaluation Specialists of GIRAV will be responsible for monitoring the contractors' recording and resolution of grievances and reporting them in their periodic progress reports.

Every Contractor(s) and Sub-contractors will commit to adhere to the principles of this Labour Management Procedure. Specific provisions in this regard will be made in the respective bidding documents, as well as the terms and conditions of the contract. Contractors will establish and maintain grievance and redress mechanisms for their workers, and internal accountability and monitoring

systems to allow for the processing of grievances arising from their employees. GIRAV Safeguard Team will monitor that such grievance mechanism is established and include information on the functioning of contractor grievance mechanisms as part of project monitoring reports and all other aspects of LMP monitoring.

10.1 Structure of the GM

The GM shall consist of a three-tier system:

- (i) local/community level;
- (ii) project-level grievance resolution, and
- (iii) national legal level. The general process is that a PAP acronym should first raise a grievance at the local level. It is referred to the Grievance Redress Committee (GRC) if it is not resolved at this level. If this proves unsuccessful in resolving the grievance, the complainant can proceed to the judicial/legal system.

10.2 Local Level Grievance Redress

Local communities have existing traditional and cultural grievance redress mechanisms. It is expected that some disputes at the community level may be resolved using these mechanisms, without the involvement of the Project, contractor(s), and or Government representatives at local and national level. The extended family, village and/or Chiefs may be involved at this level. All complaints at the local level will be referred to this committee. Dispute resolution at this level will be practical and efficient for the PAP acronym because in many cases, the types of grievances will often relate to issues of inventories, requests for information, or activities that have yet to take place, such as disbursement of compensation, which the project focal point in the region can directly address. In cases where the dispute relates to traditional and customary issues such as land ownership, inheritance, and land boundaries the Project Focal Point in the Region will resort to the traditional dispute resolution mechanism comprising the Village head and Community leaders. The specific composition and other details will be spelt out before project implementation. If the complaint cannot be resolved at this level, the Project Affected Persons (PAP) will be advised to proceed to the next level, the Project Level-Grievance Redress Committee.

10.3 Project Level-Grievance Redress Committee

The Grievance Redress Committee will be responsible for receiving and resolving complaints fairly, objectively, accountable, effectively, timely and accountable in all phases of the project lifecycle. It will deal with all grievances that have not been resolved at the local level.

The broad responsibilities of the GRC include:

- Developing and publicizing the grievance management procedures;
- Receiving, reviewing, investigating, and keeping track of grievances;
- Adjudicating grievances; and
- Monitoring and evaluating the fulfillment of agreements achieved through the grievance redress mechanism.

The GRC will normally include a representative from each of the following agencies: (i) the Ministry of Agriculture; (ii) The Project Coordinator, CPCU or his representative; (iii) Non-Governmental

Organization (NGO) working in the area; (iv) trade association; and/or (v) the Area Council; a representative of PAPs acronym with the social development specialist in the CPCU serving as the secretary to the Committee.

10.4 National legal level

Suppose the GRC does not provide a satisfactory resolution for the PAP, the complainant will be advised to seek redress through the judicial system as provided for in the 1997 Constitution of the Republic of The Gambia and other relevant laws. The project will bear the cost relating to such a process.

10.5 Grievances at the Contractor level

During project implementation, contractors should strictly adhere to the World Bank standards on Environmental, Social, Health and Safety (ESHS) and Occupational Health and Safety (OHS) in the workplace and on their relationship with affected communities. Codes of Conduct will be applied to help ensure the project meets its ESHS and OHS objectives, as well as preventing and/or mitigating the risks of SEA/SH and Violence Against Children (VAC) on the project and in the local communities. Contractors should make sure these Codes of Conduct are signed and adopted by those working on the project and are meant to:

- create awareness of the ESHS and OHS expectations on the project;
- create common awareness about SEA/SH and VAC and ensure a shared understanding that they have no place in the project; and create a clear system for identifying, responding to, and sanctioning GBV and VAC incidents.

The three codes of conduct are set for strict use, and they include:

- i. **Company Code of Conduct:** Commits the company to addressing GBV and VAC issues;
- ii. **Manager's Code of Conduct:** Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
- iii. **Individual Code of Conduct:** Code of Conduct for everyone working on the project, including managers and Ministry of Agriculture (MoA) staff, Land and Water staff.

These codes of conduct will be explained and displayed in the work sites, and workers and affected communities will be sensitized prior to work starts and during the Project implementation (*Sensitization campaign every six months for the affected community and every month for workers*). Every new worker will receive training on these subjects before working. The contractor liaison officer will work closely with the CPCU Safeguards Team to bring all complaints and special cases that affect the codes of conduct to the GRC.

10.6 Grievance Mechanism Procedures for Complaints Unrelated to GBV/SEA/SH

The community will be informed and sensitized about the existence and use of the GM (through radio notices, community meetings that will involve Community leaders such as Imams and some awareness training by the CPCU before the starting of the resettlement process and of the various uptake options where complaints can be submitted. These uptake channels can include:

- Toll-free telephone hotline;
- E-mail;
- Letter to Project focal points in the regions;

- Complaint form to be lodged via any of the above channels; and
- Walk-ins may register a complaint on a grievance logbook at various easily accessible facility locations.

10.7 Complaints Involving SEA/SH and VAC

For complaints regarding SEA/SH and VAC, the procedure of receiving and treating the complaint will differ from those for general complaints outlined above. At all times, the approach for such issues will follow a Survivor-Centered approach, and the survivor's anonymity will remain intact, with the confidentiality of the survivor's express consent. The security of the involved parties will not be breached. A mechanism in the form of a **GBV/SEA/SH/VAC Compliance Team (GSVCT)** will be set up to manage SEA/ SH and VAC cases. The membership will include, at least four representatives as follows:

- A social or environmental safeguards officer trained by the GBV Consultant;*
- The occupational health and safety manager from the contractor or someone else tasked with the responsibility for addressing GBV and VAC with the time and seniority to devote to the position will also be trained by the GBV Consultant;*
- A representative from a local service provider with experience in GBV and VAC (the 'Service Provider'); and*
- A representative from the Ministry of Agriculture (MOA) -CPCU handles gender issues*

These members will be specially trained on the management and review of SEA/SH complaints, the importance of a Survivor-Centered approach, and guiding principles for survivor care and management of SEA/SH data and claims. If permitted by the survivor, a representative from a service provider should participate in the management committee to provide advocacy on behalf of the survivor and ensure that survivor care principles are respected throughout the process. Below are the procedures for managing SEA/SH-related complaints.

Table 6: GM Procedures for Complaint Handling Process

Steps	Complainants	GM Responsibilities	Timeframe
Community-level GM/Mediation: The affected person/workers/complainant (or his/her representative) may submit his/her complaint in several ways e.g., by written letter, phone, SMS messages and email to the GM or raising his/her voice in a public or individual meeting with project staff.			
1	Submission of complaint to the local or community level GM/Mediation	• Conduct public consultations among the affected communities to use grievance services • Register a grievance in the project logbook and grievance database • Segregate/sort and process. • Acknowledge and follow up on grievance. • Verify, investigate, and act • Provide a written response to the complainants.	5-7 days
Project Site level GRM: (a) Project Level GRM: If resolution at the local/community level is unsuccessful, or the Affected Person (AP) can take his or her complaint to project level GRM.			
2	Submission of grievance to the project-level GRM through one of the channels	• Conduct coordinating meetings among complainants/public and appropriate administration levels; • Provide a written response to the complainant; • Provide a written response to the complainant	14 days
(b) GM for Workers: The project workers (all three categories, Direct workers, Contracted workers, and Primary supply workers) can directly register their complaints with the GM for workers. The members of this GM will be trained to be capable of addressing grievances by workers, including workplace complaints, efficiently and effectively to meet national regulations on labour laws and World Bank ESS2.			
3	Workers or labour association will submit their grievances to the GRM for Workers through one of the channels	• Refer workers-related complaints to the Workers GM. • Registration, classification, and analysis of grievances; • Convene the GM for workers meeting to analyze and	10 days

Steps	Complainants	GM Responsibilities	Timeframe
		resolve the complaint; • Provide written response to the complainant/contractor; • Guide with recommendations to the contractor to improve working conditions/labor management issues	
Local /Regional level have existing traditional and cultural grievance redress mechanisms. Some disputes at that community level are expected to be resolved using these mechanisms.			
4	Workers, or labor associations can refer the complaint to the GM	• Conduct coordinating meetings/ resolution sessions with complainants; • Investigate the complaints. • Provide written response to the complainants.	30 days

In accordance with the World Bank ESF, a Grievance Mechanism (GM) has been prepared and integrated into the Stakeholder Engagement Plan (SEP) and presented as a standalone document thus below is a brief description of the GM for the GIRAV project.

To avoid the risk of stigmatization, worsening of the mental/psychological harm and potential reprisal, the GRM shall have a different and sensitive approach to SEA/SH-related cases. The GRM equally applies to workers who experience SEA/SH. Where such a case is reported to the GRM, it should immediately be referred to the appropriate service providers, such as medical and psychological support, emergency accommodation, and any other necessary services. It should also be reported to the safeguard staff of the PMU, who can advise on relevant service providers. Data on SEA/SH cases should not be collected through the GRM unless operators have been trained on the empathetic, non-judgmental, and confidential collection of these complaints. Only the nature of the complaint (what the complainant says in her/his own words) and additional demographic data, such as age and gender, can be collected as usual.

11.0 CONTRACTOR MANAGEMENT

Creating other contracts will include labor and occupational health and safety provisions as provided in The Gambia's laws and the World Bank Standard Procurement Documents.

GIRAV will manage and monitor the performance of contractors with contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labour management procedures. This may include regular periodic audits, inspections, on-the-spot checks of project locations and work sites, and labor management records and reports compiled by contractors. Contractors' labor management records and reports that may be reviewed would include representative samples of employment contracts or arrangements between third parties and contracted workers; records relating to grievances received and their resolution; reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; records relating to incidents of non-compliance with national law; and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.

11.1 COMMUNITY WORKERS

The GIRAV project will be implemented through existing Agricultural Extension Services (AES), which monitor and keep records and report on terms and conditions related to labor management. The AES must provide the project and community workers with proof of all payments made and other entitlements. Agreements will include labor and occupational health and safety provisions as provided in the World Bank Standard ESS Documents and The Gambia Labour Act, 2007.

CPCU Safeguard Team will manage and monitor the performance of AES in relation to community workers, focusing on compliance with their agreements (obligations, ToRs, representations, and warranties) and labor management procedures. This may include periodic audits, inspections, and/or spot checks of project locations and work sites and labor management records and reports. Labor management records and reports that may be reviewed would include records of community workers, records of grievances received and their resolution, reports of safety inspections, including fatalities and incidents and implementation of corrective actions, records regarding incidents of non-compliance with national law, and records of training provided for community workers to explain occupational health and safety risks and preventive measures.

11.2 PRIMARY SUPPLY WORKERS

The Primary Suppliers are likely to include suppliers of construction materials, equipment (e.g., cold storage and related machinery, construction materials and machinery, laboratory equipment, agricultural inputs, etc.), as well as other inputs, for example, seeds, fertilizers that may be used continuously by the farmers, the service and logistics centers which will be built under the project.

To mitigate and minimize child forced labor, some screening and monitoring measures will be applied in the Project to ensure that no such impacts occur.

If a risk of child labour or forced labour in the primary supply chain is discovered, GIRAV will identify those risks. If forced labour cases are identified, GIRAV will shift the project's primary supply chain to suppliers who can demonstrate that they comply with this LMP. The GIRAV will include a special term in their contract with suppliers about the non-use of child and forced labour. These provisions will also be included in the Subsidiary Contractual Agreements signed between the Central Bank, GIRAV and PFIs. Risks associated with forced/child labor in entities run by credit beneficiaries will

be addressed via provisions included in the Environmental and Social Management Systems (ESMS) to be prepared and monitored by Participating Financing Institutions, consistent with the Project's Environmental and Social Management Framework (ESMF). Beneficiaries and other relevant parties must commit in all signed contracts that no forced and child labor will be used in their activities and report on labour and working conditions in their regular monitoring reports.

Finally, The Gambia being a signatory to the International Labor Organization ILO and the United Nations Convention on the Rights of the Child UNCRC has made significant strides towards eliminating all forms of child labor. The country has made progress in the sphere of all forms of practice and works that are likely to harm the health, safety, or moral well-being of children by ratifying and domesticating into – the Labor Act, 2007 and the Children's Act, 2005 respectively.

11.3 MONITORING AND REPORTING

The contractor shall report monthly to the CPCU and to the construction and supervision consultants on the status of implementation of the above policies and procedures. The CPCU and the construction and supervision consultants will closely monitor the contractor/subcontractor on labour and occupational health and safety performance and report to the World Bank quarterly.

CPCU will use the Bank's 2017 Standard Procurement Documents for solicitations and contracts, including ESF provisions on labour and occupational, health and safety requirements. As part of the process of selecting the contractors who will engage contracted workers, CPCU may review 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
- ✓ Business licenses, registrations, permits, and approvals
- ✓ Documents relating to a labour management system and occupational health and safety system (e.g., HR manuals, safety program)
- ✓ Identification of labour management, safety, and health personnel, their qualifications, and certifications
- ✓ Records of labour-related litigation
- ✓ 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' enrollment in the related programs
- ✓ Worker payroll records, including hours worked and pay received
- ✓ Identification of safety committee members and records of meetings
- ✓ Copies of previous contracts with contractors and suppliers showing the inclusion of provisions and terms reflecting ESS2 or equivalent requirements

References

GoTG Constitution of The Gambia 1997

GoTG Labour Act, (2007)

GoTG The Children's Act, (2005)

GoTG The Gambia National Gender and Women Empowerment (2009)

GOTG The National Youth Policy (2009-2018)

GoTG Hazardous Chemicals and Pesticides Control and Management Act, (1994)

GoTG (1994) National Environment Management Act, (1994)

GoTG The Women's Act, (2010)

[WB ESF Guidelines, \(2018\)](#)

ANNEX

Code of Conduct

Annex 1: Code of Conduct background and definition

The purpose of these Codes of Conduct and Action Plans for Implementing ESHS and OHS Standards and Preventing Gender Based Violence (GBV) and Violence Against Children (VAC) is to introduce a set of key definitions, core Codes of Conduct, and guidelines that:

- i. clearly define obligations on all project staff (including sub-contractors and day workers) concerning implementing the project's environmental, social, health and safety (ESHS) and occupational health and safety (OHS) requirements, and;
- ii. help prevent, report and address GBV and VAC within the work site and in its immediate surrounding communities.

The application of these Codes of Conduct will help ensure the project meets its ESHS and OHS objectives, as well as preventing and/or mitigating the risks of GBV and VAC on the project and in the local communities.

These Codes of Conduct are to be adopted by those working on the project and are meant to:

- i. create awareness of the ESHS and OHS expectations on the project;
- ii. create common awareness about GBV and VAC and:
 - (a) ensure a shared understanding that they have no place in the project; and;
 - (b) create a clear system for identifying, responding to, and sanctioning GBV and VAC incidents

Ensuring that all project staff understand the project's values, expectations for all employees, and acknowledge the consequences for violations of these values will help to create smoother, more respectful, and productive project implementation, thereby helping ensure that the project's objectives will be achieved.

Annex 2: Definitions

The following definitions apply:

Environmental, Social, Health and Safety (ESHS): an umbrella term covering issues related to the impact of the project on the environment, communities, and workers.

Occupational Health and Safety (OHS): Occupational health and safety is concerned with protecting the safety, health and welfare of people engaged in work or employment. Enjoying these standards at the highest levels is a basic human right that should be accessible by each worker.

Gender-based violence (GBV): is an umbrella term for any harmful act that is perpetrated against a person's will and **that is based on socially ascribed (i.e., gender) differences between males and females**. It includes acts that inflict physical, sexual, or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private. The term GBV is used to underscore systemic inequality between males and females (which exists in every society in the world) and acts as a unifying and foundational characteristic of most forms of violence perpetrated against women and girls. The 1993 United Nations Declaration on the Elimination of Violence against Women defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women."³ The six core types of GBV are:

- **Rape:** non-consensual penetration (however slight) of the vagina, anus or mouth with a penis, other body part, or an object.
- **Sexual Assault:** any form of non-consensual sexual contact that does not result in or include penetration. Examples include attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks.
 - **Sexual Harassment:** is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment is not always explicit or obvious, it can include implicit and subtle acts but always involves a power and gender dynamic in which a person in power uses their position to harass another based on their gender. Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome (e.g., looking somebody up and down; kissing, howling, or smacking sounds; hanging around somebody; whistling and catcalls; in some instances, giving personal gifts).
 - **Sexual Favors:** is a form of sexual harassment and includes making promises of favorable treatment (e.g., promotion) or threats of unfavorable treatment (e.g., loss of job) dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
- **Physical Assault:** an act of physical violence that is not sexual. Examples include hitting, slapping, choking, cutting, shoving, burning, shooting or use of any weapons, acid attacks or any other act that results in pain, discomfort, or injury.
- **Forced Marriage:** the marriage of an individual against her or his will.
- **Denial of Resources, Opportunities or Services:** denial of rightful access to economic resources/assets or livelihood opportunities, education, health, or other social services (e.g., a widow prevented from receiving an inheritance, earnings forcibly taken by an intimate partner or family member, a woman prevented from using contraceptives, a girl prevented from attending school, etc.).

³ It is important to note that women and girls disproportionately experience violence; overall 35 percent of women worldwide have faced physical or sexual violence (WHO, Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence, 2013). Some men and boys also face violence based on their gender and unequal power relationships.

- **Psychological / Emotional Abuse:** infliction of mental or emotional pain or injury. Examples include threats of physical or sexual violence, intimidation, humiliation, forced isolation, stalking, harassment, unwanted attention, remarks, gestures, or written words of a sexual and/or menacing nature, destruction of cherished things, etc.

Violence Against Children (VAC): is defined as physical, sexual, emotional and/or psychological harm, neglect, or negligent treatment of minor children (i.e., under the age of 18), including exposure to such harm,⁴ that results in actual or potential harm to the child's health, survival, development, or dignity in the context of a relationship of responsibility, trust, or power. This includes using children for profit, labor⁵, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, video, and digital cameras or any other medium to exploit or harass children or to access child pornography.

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

Online Grooming: is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.⁶

Accountability Measures are the measures put in place to ensure survivors' confidentiality and hold contractors, consultants, and the client responsible for instituting a fair system of addressing cases of GBV and VAC.

Contractors Environmental and Social Management Plan (CESMP): the plan prepared by the contractor outlining how they will implement the works activities in accordance with the project's environmental and social management plan (ESMP).

Child: is used interchangeably with the term 'minor' and refers to a person under 18 years. This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.

Child Protection (CP): is an activity or initiative designed to protect children from any form of harm, particularly arising from VAC.

Consent: is the informed choice underlying an individual's free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under 18, even if the country's national legislation into which the Code of Conduct is introduced has a lower age.⁷ Mistaken belief regarding the child's age and consent from the child is not a defense.

Consultant: is as any firm, company, organization, or other institution that has been awarded a contract to provide consulting services to the project and has hired managers and/or employees to conduct this work.

⁴ Exposure to GBV is also considered VAC.

⁵ The employment of children must comply with all relevant local legislation, including labor laws in relation to child labor and World Bank's safeguard policies on child labor and minimum age. They must also be able to meet the project's Occupational Health and Safety competency standards.

⁶ For example, the Criminal Code Act 1995, Division 474 (telecommunications offences, subdivision C)

⁷ For example, under Article 97 Criminal consolidation act for age of legal consent in Vanuatu, sexual activity with any child under the age of 15 years for heterosexual conduct and 18 years for same sex conduct is prohibited (<http://tinyurl.com/vu-consent>). However, the World Bank follows the United Nations for the age of consent (18 years) so this applies on World Bank financed projects.

Contractor: is any firm, company, organization, or other institution that has been awarded a contract to conduct infrastructure development works for the project and has hired managers and/or employees to conduct this work. This also includes sub-contractors hired to undertake activities on behalf of the contractor.

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

GBV and VAC Allegation Procedure: is the prescribed procedure to be followed when reporting incidents of GBV or VAC.

GBV and VAC Codes of Conduct: The Codes of Conduct adopted for the project cover the company's commitment, and the responsibilities of managers and individuals regarding GBV and VAC.

GBV and VAC Compliance Team (GCCT): a team established by the project to address GBV and VAC issues.

Grievance Mechanism (GRM): is the process established by a project to receive and address complaints.

Manager: is any individual offering labor to the contractor or consultant, on or off the work site, under a formal or informal employment contract and in exchange for a salary, with the responsibility to control or direct the activities of a contractor's or consultant's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.

Perpetrator: the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV or VAC.

Response Protocol: is the mechanisms set in place to respond to cases of GBV and VAC (see Section 4.7 Response Protocol).

Survivor/Survivors: the person(s) adversely affected by GBV or VAC. Women, men and children can be survivors of GBV; children can be survivors of VAC.

Work Site: is the area where infrastructure development works are being conducted as part of the project. Consulting assignments are considered to have the areas in which they are active as their work sites.

Work Site Surroundings: is the 'Project Area of Influence', which is any area, urban or rural, directly affected by the project, including all human settlements found on it.

Annex 3: Company Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence and Violence Against Children

The company is committed to ensuring that the project is implemented in such a way that minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the environmental, social, health and safety (ESHS) standards and meeting appropriate occupational health and safety (OHS) standards. The company is also committed to creating and maintaining an environment in which gender-based violence (GBV) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, sub-contractors, supplier, associate, or representative of the company.

Therefore, to ensure that all those engaged in the project are aware of this commitment, the company commits to the following core principles and minimum standards of behavior that will apply to all company employees, associates, and representatives, including sub-contractors and suppliers, without exception:

General

1. The company—and therefore all employees, associates, representatives, sub-contractors, and suppliers—commits to complying with all relevant national laws, rules, and regulations.
2. The company commits to fully implementing its ‘Contractors Environmental and Social Management Plan’ (CESMP).
3. The company commits to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinions, national, ethnic, or social origin, property, disability, birth, or another status. Acts of GBV and VAC violate this commitment.
4. The company shall ensure that interactions with local community members are done with respect and non-discrimination.
5. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives, including sub-contractors and suppliers.
6. The company will follow all reasonable work instructions (including regarding environmental and social norms).
7. The company will protect and ensure proper use of the property (for example, to prohibit theft, carelessness, or waste).

Health and Safety

8. The company will ensure that the project’s occupational health and safety (OHS) Management Plan is effectively implemented by company staff, sub-contractors, sub-contractors, and suppliers.
9. The company will ensure that all persons on-site wear prescribed and appropriate personal protective equipment, preventing avoidable accidents and reporting conditions or practices that pose a safety hazard or threaten the environment.
10. The company will:
 - i. prohibit the use of alcohol during work activities.
 - ii. prohibit the use of narcotics or other substances that can always impair faculties.
11. The company will ensure that adequate sanitation facilities are available on-site and at any worker accommodations provided to those working on the project.

Gender-Based Violence and Violence Against Children

12. Acts of GBV or VAC constitute gross misconduct and are, therefore, grounds for sanctions, which may include penalties and/or termination of employment and if appropriate, referral to the Police for further action.
13. All forms of GBV and VAC, including grooming, are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or within the local community.
 - i. Sexual Harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including subtle acts of such behavior, is prohibited.
 - ii. Sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior are prohibited.
14. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
15. Unless there is full consent⁸ by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the workplace are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
16. In addition to company sanctions, legal prosecution of those who commit acts of GBV, or VAC will be pursued if appropriate.
17. All employees, including volunteers and sub-contractors, are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with project's GBV and VAC Allegation Procedures.
18. Managers are required to report and act to address suspected or actual acts of GBV and/or VAC as they are responsible for upholding company commitments and holding their direct reports responsible.

Implementation

To ensure that the above principles are implemented effectively the company commits to ensuring that:

19. All managers sign the project's ‘Manager's Code of Conduct’ detailing their responsibilities for implementing the company's commitments and enforcing the responsibilities in the ‘Individual Code of Conduct’.
20. All employees sign the project's ‘Individual Code of Conduct’ confirming their agreement to comply with ESHS and OHS standards, and not to engage in activities resulting in GBV or VAC.
21. Display the Company and Individual Codes of Conduct prominently and in clear view at workers' camps and the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
22. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
23. An appropriate person is nominated as the company's ‘Focal Point’ for addressing GBV and VAC issues, including representing the company on the GBV and VAC Compliance Team (GCCT), which is comprised of representatives from the client, contractor(s), the supervision consultant, and local service provider(s).

⁸ **Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

24. Ensuring that an effective GBV and VAC Action Plan is developed in consultation with the GCCT, which includes as a minimum:
- i. **GBV and VAC Allegation Procedure** to report GBV and VAC issues through the project Grievance Redress Mechanism (Section 4.3 Action Plan);
 - ii. **Accountability Measures** to protect the confidentiality of all involved (Section 4.4 Action Plan); and,
 - iii. **Response Protocol** applicable to GBV and VAC survivors and perpetrators (Section 4.7 Action Plan).
25. That the company effectively implements the agreed final GBV and VAC Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
26. All employees attend an induction training course prior to commencing work on-site to ensure they are familiar with the company's commitments to ESHS and OHS standards and the project's GBV and VAC Codes of Conduct.
27. All employees attend a mandatory training course once a month for the duration of the contract starting from the first induction training before work to reinforce the understanding of the project's ESHS and OHS standards and the GBV and VAC Code of Conduct.

I do hereby acknowledge that I have read the foregoing Company Code of Conduct and agree to comply with the standards contained therein on behalf of the company. I understand my role and responsibilities to support the project's OHS and ESHS standards and to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Company Code of Conduct or failure to act mandated by this Company Code of Conduct may result in disciplinary action.

Company name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Annex 4: Manager's Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence and Violence Against Children

Managers at all levels are responsible for upholding the company's commitment to implementing the ESHS and OHS standards, and preventing and addressing GBV and VAC. This means that managers have an acute responsibility to create and maintain an environment that respects these standards and prevents GBV, and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere to this Manager's Code of Conduct and sign the Individual Code of Conduct. This commits them to supporting the implementation of the CESMP and the OHS Management Plan and developing systems that facilitate the implementation of the GBV and VAC Action Plan. They need to maintain a safe workplace and a GBV-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to:

Implementation

1. To ensure maximum effectiveness of the Company and Individual Codes of Conduct:
 - i. Prominently displaying the Company and Individual Codes of Conduct in clear view at workers' camps, offices, and public workspace areas. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
 - ii. Ensuring all posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
2. Verbally and in writing explain the Company and Individual Codes of Conduct to all staff.
3. Ensure that:
 - i. All direct reports sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.
 - ii. Staff lists and signed copies of the Individual Code of Conduct are provided to the OHS Manager, the GCCT, and the client.
 - iii. Participate in training and ensure that staff also participate as outlined below.
 - iv. Put in place a mechanism for staff to:
 - (a) report concerns on ESHS or OHS compliance; and,
 - (b) confidentially report GBV or VAC incidents through the Grievance Redress Mechanism (GRM)
 - v. Staff are encouraged to report suspected or actual ESHS, OHS, GBV or VAC issues, emphasizing the staff's responsibility to the Company and the country hosting their employment and the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired, or deployed. Use background and criminal reference checks for all employees.
5. Ensure that when engaging in partnership, sub-contractor, supplier or similar agreements, these agreements:
 - i. Incorporate the ESHS, OHS, GBV and VAC Codes of Conduct as attachments.
 - ii. Include the appropriate language requiring such contracting entities, individuals, and their employees and volunteers to comply with the Individual Codes of Conduct.
 - iii. Expressly state that the failure of those entities or individuals, as appropriate, to ensure compliance with the ESHS and OHS standards, take preventive measures against GBV and

VAC, to investigate allegations thereof, or to take corrective actions when GBV or VAC has occurred, shall not only constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct but also termination of agreements to work on or supply the project.

6. Provide support and resources to the GCCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the GBV and VAC Action Plan.
7. Ensure that any GBV or VAC issue warranting Police action is reported to the Police, the client, and the World Bank immediately.
8. Report and act according to the response protocol (Section 4.7 Response Protocol) any suspected or actual acts of GBV and/or VAC as managers have a responsibility to uphold company commitments and hold their direct reports responsible.
9. Ensure that any major ESHS or OHS incidents are reported to the client and the supervision engineer immediately.

Training

10. The managers are responsible to:
 - i. Ensure that the OHS Management Plan is implemented, with suitable training required for all staff, including sub-contractors and suppliers; and,
 - ii. Ensure that staff understand the CESMP and are trained as appropriate to implement the CESMP requirements.
11. All managers must attend an induction manager training course before commencing work on site to ensure that they are familiar with their roles and responsibilities in upholding the GBV and VAC elements of these Codes of Conduct. This training will be separate from the induction training course required of all employees. It will provide managers with the necessary understanding and technical support needed to begin to develop the GBV and VAC Action Plan for addressing GBV and VAC issues.
12. Managers must attend and assist with the project-facilitated monthly training courses for all employees. Managers will be required to introduce the trainings and announce the self-evaluations, including collecting satisfaction surveys to evaluate training experiences and provide advice on improving training effectiveness.
13. Ensure that time is provided during work hours and that staff before commencing work on site, attend the mandatory project-facilitated induction training on:
 - i. OHS and ESHS; and,
 - ii. GBV and VAC are required of all employees.
14. During civil works, ensure that staff attend ongoing OHS and ESHS training and the monthly mandatory refresher training course required of all employees to combat the increased risk of GBV and VAC.

Response

15. Managers must take appropriate actions to address any ESHS or OHS incidents.
16. With regard to GBV and VAC:
 - i. Provide input to the GBV and VAC Allegation Procedures (Section 4.2 Action Plan) and Response Protocol (Section 4.7 Action Plan) developed by the GCCT as part of the final cleared GBV and VAC Action Plan.
 - ii. Once adopted by the Company, managers will uphold the Accountability Measures (Section 4.4 Action Plan) set forth in the GBV and VAC Action Plan to maintain the confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV and VAC (unless a

- breach of confidentiality is required to protect persons or property from serious harm or where required by law).
- iii. Suppose a manager develops concerns or suspicions regarding any form of GBV or VAC by one of his/her direct reports, or by an employee working for another contractor on the same work site, sheet is required to report the case using the GRM.
 - iv. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced within a maximum timeframe of 14 days from the date on which the decision to sanction was made.
 - v. If a manager has a conflict of interest due to personal or familial relationships with the survivor and/or perpetrator, he/she must notify the respective company and the GCCT. The Company will be required to appoint another manager without a conflict of interest to respond to complaints.
 - vi. Ensure that any GBV or VAC issue warranting Police action is reported to the Police, the client, and the World Bank immediately
17. Managers failing to address ESHS or OHS incidents or report or comply with the GBV and VAC provisions may be subject to disciplinary measures to be determined and enacted by the company's CEO, Managing Director, or equivalent highest-ranking manager. Those measures may include:
- i. Informal warning.
 - ii. Formal warning.
 - iii. Additional Training.
 - iv. Loss of up to one week's salary.
 - v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
 - vi. Termination of employment.
18. Ultimately, failure to effectively respond to ESHS, OHS, GBV, and VAC cases on the work site by the company's managers or CEO may provide grounds for legal actions by authorities.

I hereby acknowledge that I have read the foregoing Manager's Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC requirements. I understand that any action inconsistent with this Manager's Code of Conduct or failure to act mandated by this Manager's Code of Conduct may result in disciplinary action.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Annex 5: Individual Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender-Based Violence and Violence Against Children

I, _____, acknowledge that adhering to environmental, social health and safety (ESH) standards, following the project's occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important.

The company considers that failure to follow ESHS and OHS standards, or to partake in GBV or VAC activities—be it on the work site, the work site surroundings, at workers’ camps, or the surrounding communities—constitute acts of gross misconduct and are therefore grounds for sanctions, penalties, or potential termination of employment. Prosecution by the Police of those who commit GBV, or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.
- Will always wear my personal protective equipment (PPE) when at the work site or engaged in project-related activities.
- Take all practical steps to implement the contractor’s environmental and social management plan (CESMP).
- Implement the OHS Management Plan.
- Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances that can impair faculties at all times.
- Consent to Police background check.
- Treat women, children (persons under 18 years), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth, or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including subtle acts of such behavior (e.g., looking somebody up and down, kissing, howling, or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody’s sex life; etc.).
- Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
- Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Unless there is full consent⁹ by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
- Consider reporting through the GRM or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my company or not or any breaches of this Code of Conduct.

⁹ **Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

With regard to children under the age of 18:

- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home unless they are at immediate risk of injury or in physical danger.
- Not use any computers, mobile phones, video, and digital cameras or any other medium to exploit or harass children or to access child pornography (see also “Use of children's images for work-related purposes” below).
- Refrain from physical punishment or discipline of children.
- Refrain from hiring children for domestic or other labor below the minimum age of 14 unless national law specifies a higher age or which places them at significant risk of injury.
- Comply with all relevant local legislation, including labor laws concerning child labor and World Bank’s safeguard policies on child labor and minimum age.
- Take appropriate caution when photographing or filming children (See Annex 2 for details).

Use of children's images for work-related purposes

When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this, I must explain how the photograph or film will be used.
- Ensure photographs, films, videos, and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Additional Training.
- Loss of up to one week’s salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Report to the Police if warranted.

I understand that I must ensure that the environmental, social, health and safety standards are met. That I will adhere to the occupational health and safety management plan. That I will avoid actions or behaviors that could be construed as GBV or VAC. Any such actions will be a breach this Individual Code of Conduct. I acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV

and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____