

mitigates, and manages potential impacts on such individuals and groups.

- As opposed to the Labor Law/Act, the ESF also establishes the requirement for a grievance mechanism *separately* for workers besides other stakeholders of the Project.
- As The employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, such as recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment.

In addition, to ensure compliance with WB ESS, National and International Laws on OHS and Covid-19, the following measures will be developed by the UNAs and monitored by SDS to ensure fair treatment of all employees under this HORMP per the ESCP:

- As per Labor Code requirements, recruitment procedures will be transparent, public and non-discriminatory with respect to ethnicity, religion, disability, gender, and other grounds included in the Labor Code
- Applications for employment will be considered in accordance with the application procedures established for the project by PIU/UNAs
- PIU will ensure that at no stage of the project will anyone pay hiring fees.
- The contracts may be developed in *Bangla* so as to be understandable by all
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to all who may have difficulties with understanding the documentation
- While communicating with female workers, PIU will ensure they understand their rights and process of raising issues (especially related to SEA/SH) and grievances related to their employment through the project GRM
- PIU will ensure that no forced or child labor would be allowed
- PIU will ensure training for workers including response to emergency situations and ES issues.
- PIU will ensure that a clear description of relevant national Labor laws and their adoption in the HR policy communicated to all workers
- Project Director, Contractors, Workers and Project Staff to sign and abide by an Occupational Code of Conduct including GBV issues
- PIU will ensure measures to address formation of labor/workers/ employee organizations
- PIU, in collaboration with UNAs will ensure cordial relations amongst project workers

The health and safety procedure illustrated in the Labor Acts, WB Environmental and Health Safety Guidelines (EHSG), ESS 2, Communicable Diseases (Prevention, Control and Eradication) Act 2018 as well as guidelines to address COVID-19 issues (see Annex 1) will be referenced in all activities under the Project. The SDS is expected to carry out field visits and inspections of the construction from time to time. However, the WBG's EHSG may not have sufficient details and specific requirements to deal with various occupational health and safety issues posed by the project, thus the IA should put in place specific standards meeting Good International and Industry Practices (GIIP) in the contracts reflecting appropriate level of risk.

PIU will include into the contract specific OHS standard requirements that all UNAs will meet under this project. The standards will be consistent with local regulations, WBG EHS guidelines, COVID-19 Protocols and GIIP. The following OHS standard requirements should be borne in mind:

- An ES risk assessment screening of project sites will be completed before the commencement of any activities, and safety measures will be implemented in accordance with applicable safety standards.

- Rules for hazardous and life-threatening works;
- Emergency response procedure;
- Respiratory prevention to chemical and airborne hazards (including dust, silica and asbestos); Electrical safety (hazardous energies control, safe distance work, wiring and design protection, grounding, circuit protection, arc fault protection, PPE etc); hazards communication; Noise and vibration safety; fire safety; material handling safety;
- PPEs, safety training and other preventive measures will be provided at no cost to employees and beneficiaries.
- Periodic OHS meetings will be conducted to discuss preventive measures, deviations and non-compliances, accidents and corrective actions.
- UNAs will conduct internal OHS surveys and audits to verify compliance of OHS practices. Non-compliances will be documented and reported internally. A time frame for a corrective action will be set and followed up.
- Periodic OHS briefings will be conducted before highlighting the hazards and preventive measures from each job, especially those related to COVID-19 outbreak. UNAs will document and report to PIU all accidents and illness, especially symptoms of COVID-19, fatalities or serious injuries that may happen.
- There must be on site resources for first aid and for more serious injuries there must be a pre-approved health facility for medical treatment, as well as appropriate transportation of injured/sick/symptomatic workers.
- UNAs will control the access to the project site only to authorized people and verify if workers are meeting training and capacity requirements to carry out their jobs. All must complete at minimum an OHS induction to have access to the project sites.
- PIU will arrange periodic supervision of PIU/UNAs OHS performance, including visits, at least monthly. These supervisions will cover compliance with above mentioned standards, accidents, violations of rules, recommendations, and progress of ongoing corrective actions.
- PIU will inform WB promptly about any incident or accident related to the project which has, or is likely to have a significant adverse effect on the environment, the affected communities, the public or trainers and beneficiaries (labor, health and safety, or security incident, accident or circumstance) as soon as reasonably practicable. Such events can include COVID-19 cases and symptoms, protests, serious injuries or fatalities, project-caused injuries to community members or property damage.
- A Code of Conduct (CoC), as per Annex 3, will be implemented by the UNAs/PIU that reflects the core values and overall working culture, provisions relating to GBV/SEAH, waste management and disease prevention, work ethics and special illustration on COVID-19 protocols. CoCs will have to be understood and signed by all workers. The content of the CoCs will be included in the Agreement.
- They will be required to provide the periodic information on the performance in terms of labor, OHS issues. The information will be included in their monthly report and will be reviewed by the PIU.

## 8. AGE OF EMPLOYMENT

In the Bangladesh Labor Act, 2006, Section 34, it is mentioned that no child shall be employed to work in any occupation. Section 44 mentions that anyone under age 14 is considered as child and under 18 but over 14 is considered as adolescent. Section 37 of the act suggests a fitness certificate required for adolescents to get employed and they can be appointed to do the light works. Given the nature of work, no one below 18 years of age will be employed in this project.

To ensure compliance, all employees will be required to produce National Identification Cards as proof of their identity and age which is the national identification document required for employment.

If any person under the age of 18 years is hired by the IA or UNAs, measures (including investigation and disciplinary action) will be taken to address the issue by the PIU.

## 9. TERMS AND CONDITIONS

The terms and conditions of employment in Bangladesh are governed by the provisions of Bangladesh Labor Act, 2006 in connection with The Control of Employment Ordinance, 1965. The Act makes it obligatory for employers to provide service book containing written particulars of employment, signed by both parties upon employment. For this project, the PIU and UNAs will be required to provide all its employees with written particular of employment.

They will also be required to comply with the most current decision of Wages Board assigned by the government, as of December 2018, the amendment of the labor act was implemented regarding the labor wage. The wages can be settled based on local wage rate prevailing at the market but not less than standard wage rate contained in the most current wages regulation issued by the government recommended by the Wages Board Chairman. In this case, written appointment letter with all terms and conditions would be given to the employees.

As a monitoring mechanism, no entity shall be entitled to any payment unless it has filed, together with claim for payment, a certificate: - a) stating whether any wages due to employees are in arrears; b) stating that all employment conditions of the contract are being complied with. It will be a material term of the contract to allow the IAs to withhold payment should they not fulfil their payment obligation to their workers.

### 9.1 Worker's Organization

The Bangladesh Labor Act, 2006 (Section 176) ratifies the Rights of Workers, guarantees all workers of their right to freely form, join or not join a trade union for the promotion and protection of the economic interest of that worker; and collective bargaining and representation and in the Bangladesh Labor Act, 2006, a worker's welfare society holds the right to negotiate the terms and conditions of employment and other related matters and any worker has the right to join the welfare society. Section-119 of this Act suggest collective bargaining agent to negotiate representing the welfare society of workers.

## 10. GRIEVANCE REDRESS MECHANISM

The Labor Act 2006 **Section 33** provides for the Formal Grievance Procedure in case a worker who has been laid-off, retrenched, discharged, dismissed, removed, or otherwise terminated from employment. Section 202 (**Subsection 24**) describes the responsibilities of a Collective Bargaining Agent (CBA) especially bargain with the employer in matters of the conditions of work or environment of work of the workers and conduct cases on behalf of any individual worker or a group of workers under this Act.

However, the PIU will require the UNAs to develop and implement a Grievance Redress Mechanism (GRM) for their own workforce prior to the start of design stage. They will also prepare their own workers' GRM. The GRM must be well circulated and written in a language understood by all. The workers GRM will include:

- A channel to receive grievances such as comment/complaint form, suggestion boxes, email, a telephone hotline that might also be anonymous;
- Stipulated timeframes to respond to grievances;
- A register to record and track the timely resolution of grievances;
- A responsible section/wing/committee to receive, record and track resolution of grievances.

The GRM will be described in the induction trainings, which will be provided to all project workers. The mechanism will be based on the following principles:

- The process will be transparent and allow 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. 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.
- The Project workers' grievance mechanism will not prevent workers to use conciliation procedure provided in the Labor Act 2006.
- Considering the project's potential "low" GBV risks, there is no need for a GBV-specific GRM. Potential GBV/SEAH cases will be mitigated through project level Grievance Redress Mechanism (GRM).

The SDS will monitor the recording and resolution of grievances, and report these to PIU in their monthly progress reports.

### DETAILS OF GRM STRUCTURE

Grievance Redress Committee (GRC) will be formed in the PIU. This GRC will have overlapping staff function as the Project GRC as mentioned in the SEP. Prior to the start of project activities, PIU officials will confirm establishment of such committees and notify stakeholders including WB Task Team, with the understanding that they will have to meet when complaints are received. As a minimum the composition of the GRC in each District will be as follows:

- PIU senior representative - GRC Chair and Convener



- One UNA staff/worker - GRC Committee Secretary
- One representative from the Trainers - GRC Committee member

## STEPS TO A SOLUTION

**Step 1:** The complainant will be advised to first attempt to settle the complaint through the local GRC. GRC at UNA level will endeavor to solve the problem within a week. The problem and solution will be recorded in the Grievance Log kept with the GRC.

**Step 2:** If Step 1 fails to resolve the issue, the PIU (SDS) will be involved centrally to solve the issue in question within 2 weeks and the complainant will be informed of the timeline to solve the issue. The problem and solution will be recorded in the Grievance Log kept with the GRC.

The complainant will not be barred to seek legal remedies.

Any grievance filed with the GRC, must be reported in the Annual report to the PIU who will then submit a consolidated report to WB. To ensure impartiality and transparency, hearings on complaints will remain open to the public. The GRCs will record the details of the complaints and their resolution in a register, including intake details, resolution process and the closing procedures. PIU will maintain the following three Grievance Registers:

**Intake Register:** (1) Case number, (2) Date of receipt, (3) Name of complainant, (4) Gender, (5) Father or husband, (6) Complete address, (7) Main objection (8) Complainants' story and expectation with evidence, and (9) Previous records of similar grievances.

**Resolution Register:** (1) Serial no., (2) Case no., (3) Name of complainant, (4) Complainant's story and expectation, (5) Date of hearing, (6) Date of field investigation (if any), (7) Results of hearing and field investigation, (8) Decision of GRC, (9) Progress (pending, solved), and (10) Agreements or commitments.

**Closing Register:** (1) Serial no., (2) Case no., (3) Name of complainant, (4) Decisions and response to complainants, (5) Mode and medium of communication, (6) Date of closing, (7) Confirmation of complainants' satisfaction, and (8) Management actions to avoid recurrence.

The PIU will keep records of all resolved and unresolved complaints and grievances (one file for each case record) and make them available for review as and when asked for by Bank. The PIU will also prepare periodic reports on the grievance resolution process and publish these on the IAs website.

## 11. CONTRACT MANAGEMENT

As part of the process to select Contractors, the PIU and the UNAs will 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, if applicable;
- Business licenses, registrations, permits, and approvals, if applicable;
- Documents relating to a labor management system, including OHS issues, for example, labor management procedures;
- Workers' certifications/permits/training to perform required work;
- Records of safety and health violations, and responses; recordable incidents;
- 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;
- Copies of previous contracts with UNAs and suppliers, showing inclusion of provisions and terms reflecting/ materially consistent with ESS2.

The PIU and UNAs will manage and monitor the performance of the contracted workers, focusing on compliance by them with their contractual agreements (obligations, representations, and warranties). This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports. Their labor management records and reports may include: (a) a representative sample of employment contracts or arrangements between third parties and contracted workers; (b) records relating to grievances received and their resolution; (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; (d) records relating to incidents of non-compliance with national law; and (e) records of training provided for contracted workers to explain labor and working conditions and OHS for the project.

## **12. PRIMARY SUPPLY AND COMMUNITY WORKERS**

Based on the planned project activities, it is envisaged that no primary supplier of goods and construction materials will be engaged in the project as defined by ESS2. Required construction materials for very limited civil work (mainly repair and refurbishment) will be sourced from legal business entities with permits. However, if primary supply workers are engaged necessary steps will be taken to ensure that no child and/or force labor is involved and OHS requirement for the laborers are followed.

## **13. COMMUNITY HEALTH AND SAFETY**

The PIU and UNAs shall ensure the health and safety of the community arising from the usage of labor. Project sites will be screened and assessed by the ES consultants any risks or hazards associated with labor issues. After inspection, the ES consultants shall report back, which shall reflect on the risk of adverse consequences posed by the nature and use of the structural elements and the natural conditions of the area and determine mitigation measures.

The spread of COVID-19 should be taken into consideration while interacting with local communities. Social distancing per COVID-19 guidelines between and among workers and community members must be maintained.

## Annex 1: General Guideline Covid-19 Considerations in Project Implementation

**INTRODUCTION.** The PIU should identify measures to address the COVID-19 situation. What will be possible will depend on the context of the project: the location, existing project resources, availability of supplies, capacity of local emergency/health services, the extent to which the virus already exist in the area. A systematic approach to planning, recognizing the challenges associated with rapidly changing circumstances, will help the project put in place the best measures possible to address the situation. As discussed above, measures to address COVID-19 may be presented in different ways (as a contingency plan, as extension of the existing project emergency and preparedness plan or as standalone procedures). Implementing Agencies (IA), PIU and UNAs will refer to guidance issued by relevant authorities, both national and international (e.g. WHO), which is regularly updated (*WHO advice for the public, including on social distancing, respiratory hygiene, self-quarantine, and seeking medical advice, can be consulted on this WHO website: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>*).

Addressing COVID-19 at a project site goes beyond occupational health and safety and is a broader project issue which will require the involvement of different members of a project management team. In many cases, the most effective approach will be to establish procedures to address the issues, and then to ensure that these procedures are implemented systematically. Where appropriate given the project context, a designated team should be established to address COVID-19 issues, including PIU representatives, management (e.g. the project director) of project, UNAs, security, and medical and OHS professionals. Procedures should be clear and straightforward, improved as necessary, and supervised and monitored by the COVID-19 focal point(s). Procedures should be documented, distributed to PIU and UNAs, and discussed at regular meetings to facilitate adaptive management. The issues set out below include a number that represent expected good workplace management but are especially pertinent in preparing the project response to COVID-19.

### (a) ASSESSING PERSONNEL CHARACTERISTICS

Project workers (medical staff, laborers, administrative and operations staffs et.c) will be employed under different terms and conditions and be accommodated in different ways. Assessing these different aspects of the workforce will help in identifying appropriate mitigation measures:

- The PIU and UNAs should prepare a detailed profile of the project work force, key work activities, schedule for carrying out such activities, different durations of contract and rotations (e.g. 4 weeks on, 4 weeks off).
- This should include a breakdown of workers who reside at home and workers who lodge within the local community. Where possible, it should also identify workers that may be more at risk from COVID-19, those with underlying health issues or who may be otherwise at risk.
- Consideration should be given to ways in which to minimize movement in and out of project sites. This could include lengthening the term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas.
- Consideration should be given to requiring workers lodging in the local community to move to site accommodation (subject to availability) where they would be subject to the same restrictions.

- Workers from local communities, who return home daily, weekly or monthly, will be more difficult to manage. They should be subject to health checks at entry to project sites (as set out above) and at some point, circumstances may make it necessary to require them to either use accommodation near the project site.

#### **(b) ENTRY/EXIT TO THE PROJECT SITES**

Entry/exit in the project sites should be controlled and documented for all, including support staff and suppliers. Possible measures may include:

- Establishing a system for controlling entry/exit to the site, securing the boundaries of the site, and establishing designating entry/exit points (if they do not already exist). Entry/exit to the site should be documented.
- Staff who will be monitoring entry to the site, should be provided with the resources they need to document entry of workers, and recording details of any worker that is denied entry.
- Confirming that workers are fit for work before they enter the site. While procedures should already be in place for this, special attention should be paid to workers with underlying health issues or who may be otherwise at risk. Consideration should be given to demobilization of staff with underlying health issues.
- Checking and recording temperatures of workers and other people entering the site or requiring self-reporting prior to or on entering the site.
- Providing daily briefings to workers prior to commencing work, focusing on COVID-19 specific considerations including cough etiquette, hand hygiene and distancing measures, using demonstrations and participatory methods.
- During the daily briefings, reminding workers to self-monitor for possible symptoms (fever, cough) and to report to their supervisor or the COVID-19 focal point if they have symptoms or are feeling unwell.
- Preventing a worker from an affected area or who has been in contact with an infected person from returning to the site for 14 days or (if that is not possible) isolating such worker for 14 days.
- Preventing a sick worker from entering the site, referring them to local health facilities if necessary or requiring them to isolate at home for 14 days.
- All workers going in and out of the project sites should be wearing adequate PPE including masks for the project works
- Workers should periodically get tested for the Covid-19 virus.

#### **(c) HYGIENE MAINTENANCE TO PREVENT THE SPREAD OF COVID-19**

Requirements on general hygiene should be communicated and monitored, to include:

- Workers and staff on site on the signs and symptoms of COVID-19, how it is spread, how to protect themselves (including regular hand washing and social distancing) and what to do if they or other people have symptoms (for further information see [WHO COVID-19 advice for the public](#)).
- Placing posters and signs around the site, with images and text in local languages.
- Ensuring hand washing facilities supplied with soap, disposable paper towels and closed waste bins exist at key places throughout site, including at entrances/exits to work areas; where there is a toilet, canteen or food distribution, or provision of drinking water; in worker accommodation; at waste stations; at stores; and in common spaces. Where hand washing facilities do not exist or are not adequate, arrangements should be made to set them up. Alcohol based sanitizer (if available, 60-95% alcohol) can also be used.



- Review worker accommodations, and assess them in light of the requirements set out in IFC/EBRD guidance on Workers' Accommodation: processes and standards, which provides valuable guidance as to good practice for accommodation.
- Setting aside part of worker accommodation for precautionary self-quarantine as well as more formal isolation of staff who may be infected.

#### **(d) CLEANING AND WASTE DISPOSAL**

Conduct regular and thorough cleaning of all site facilities, including offices, accommodation, canteens, common spaces. Review cleaning protocols for key construction equipment (particularly if it is being operated by different workers). This should include:

- Providing cleaning staff with adequate cleaning equipment, materials and disinfectant.
- Review general cleaning systems, training cleaning staff on appropriate cleaning procedures and appropriate frequency in high use or high-risk areas.
- Where it is anticipated that cleaners will be required to clean areas that have been or are suspected to have been contaminated with COVID-19, providing them with appropriate PPE: gowns or aprons, gloves, eye protection (masks, goggles or face screens) and boots or closed work shoes. If appropriate PPE is not available, cleaners should be provided with best available alternatives.
- Training cleaners in proper hygiene (including hand washing) prior to, during and after conducting cleaning activities; how to safely use PPE (where required); in waste control (including for used PPE and cleaning materials).

#### **(e) LOCAL MEDICAL AND OTHER SERVICES**

Given the limited scope of project medical services, the project may need to refer sick workers to local medical services. Preparation for this includes:

- Obtaining information as to the resources and capacity of local medical services (e.g. number of beds, availability of trained staff and essential supplies).
- Conducting preliminary discussions with specific medical facilities, to agree what should be done in the event of ill workers needing to be referred.
- Clarifying the way in which an ill worker will be transported to the medical facility, and checking availability of such transportation.
- Establishing an agreed protocol for communications with local emergency/medical services.
- Agreeing with the local medical services/specific medical facilities the scope of services to be provided, the procedure for in-take of patients and (where relevant) any costs or payments that may be involved.
- A procedure should also be prepared so that project management knows what to do in the unfortunate event that a worker ill with COVID-19 dies. While normal project procedures will continue to apply, COVID-19 may raise other issues because of the infectious nature of the disease. The project should liaise with the relevant local authorities to coordinate what should be done, including any reporting or other requirements under national law.

#### **(f) INSTANCES OR SPREAD OF THE VIRUS**

WHO provides detailed advice on what should be done to treat a person who becomes sick or

displays symptoms that could be associated with the COVID-19 virus (for further information see WHO interim guidance on infection prevention and control during health care when novel coronavirus (nCoV) infection is suspected). The project should set out risk-based procedures to be followed, with differentiated approaches based on case severity (mild, moderate, severe, critical) and risk factors (such as age, hypertension, diabetes). These may include the following:

- If a worker has symptoms of COVID-19 (e.g. fever, dry cough, fatigue) the worker should be removed immediately from work activities and isolated on site.
- If testing is available on site, the worker should be tested on site. If a test is not available at site, the worker should be transported to the local health facilities to be tested (if testing is available).
- If the test is positive for COVID-19 or no testing is available, the worker should continue to be isolated. This will either be at the work site or at home. If at home, the worker should be transported to their home in transportation provided by the project.
- Extensive cleaning procedures with high-alcohol content disinfectant should be undertaken in the area where the worker was present, prior to any further work being undertaken in that area. Tools used by the worker should be cleaned using disinfectant and PPE disposed of.
- Co-workers (i.e. workers with whom the sick worker was in close contact) should be required to stop work, and be required to quarantine themselves for 14 days, even if they have no symptoms.
- Family and other close contacts of the worker should be required to quarantine themselves for 14 days, even if they have no symptoms.
- If a case of COVID-19 is confirmed in a worker on the site, visitors should be restricted from entering the site and worker groups should be isolated from each other as much as possible.
- If workers live at home and has a family member who has a confirmed or suspected case of COVID-19, the worker should quarantine themselves and not be allowed on the project site for 14 days, even if they have no symptoms.
- Workers should continue to be paid throughout periods of illness, isolation or quarantine, or if they are required to stop work, in accordance with national law.
- Medical care (whether on site or in a local hospital or clinic) required by a worker should be paid for by the employer.

#### **(g) TRAINING AND COMMUNICATION WITH WORKERS**

Workers need to be provided with regular opportunities to understand their situation, and how they can best protect themselves, their families and the community. They should be made aware of the procedures that have been put in place by the project, and their own responsibilities in implementing them.

- It is important to be aware that in communities close to the site and amongst workers without access to project management, social media is likely to be a major source of information. This raises the importance of regular information and engagement with workers that emphasizes what management is doing to deal with the risks of COVID-19. Allaying fear is an important aspect of work force peace of mind and business continuity. Workers should be given an opportunity to ask questions, express their concerns, and make suggestions.
- Training of workers should be conducted regularly, as discussed in the sections above, providing workers with a clear understanding of how they are expected to behave and carry out their work duties.
- Training should address issues of discrimination or prejudice if a worker becomes ill and provide an understanding of the trajectory of the virus, where workers return to work.

- Training should cover all issues that would normally be required on the work site, including use of safety procedures, use of construction PPE, occupational health and safety issues, and code of conduct, taking into account that work practices may have been adjusted.
- Communications should be clear, based on fact and designed to be easily understood by workers, for example by displaying posters on hand washing and social distancing, and what to do if a worker displays symptoms.

#### **(h) COMMUNICATION AND CONTACT WITH THE COMMUNITY**

Relations with the community should be carefully managed, with a focus on measures that are being implemented to safeguard both workers and the community. The community may be concerned about the presence of non-local workers, or the risks posed to the community by local workers presence on the project site. The following good practice should be considered:

- Communications should be clear, regular, based on fact and designed to be easily understood by community members.
- Communications should utilize available means. In most cases, face-to-face meetings with the community or community representatives will not be possible. Other forms of communication should be used; posters, pamphlets, radio, text message, electronic meetings. The means used should take into account the ability of different members of the community to access them, to make sure that communication reaches these groups.
- The community should be made aware of procedures put in place at site to address issues related to COVID-19. This should include all measures being implemented to limit or prohibit contact between workers and the community. These need to be communicated clearly, as some measures will have financial implications for the community (e.g. if workers are paying for lodging or using local facilities). The community should be made aware of the procedure for entry/exit to the site, the training being given to workers and the procedure that will be followed by the project if a worker becomes sick.
- If project representatives, UNAs or workers are interacting with the community, they should practice social distancing and follow other COVID-19 guidance issued by relevant authorities, both national and international (e.g. WHO).

## Annex 2: Examples of GBV/SEA/SHA Related Risks due to Major Civil Works and Labor Influx

*Note. The SEA/SH risk rating for this project is Low. There will be no major civil works in the project and hence very limited possibility of labor influx.*

The civil works in this project is minor in nature. Though possibility is low, the likely manifestations of SEA/SH in this project include:

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

SEA/SH at the health care sites may have either one or other forms as mentioned below:

- Higher wages for workers in the local community can lead to an increase in transactional sex including incidents of sex between laborers and minors.
- Though minor in form, civil work projects may cause shifts in power dynamics between community members and within households. This may lead to abusive behavior within the homes of those affected by the project.
- Job opportunities of local women and girls are generally limited. However, with civil work in the neighborhood, they may avail job opportunities in the project area and as a result be victims of SEA and workplace SH.



## Annex 3: Labor Code of Conduct covering the SEA/SHA related risks

### Introduction

The company providing construction services for HGSP is committed to ensuring a work environment which minimizes any negative impacts on the local environment, communities, and its workers. The company also strongly commits to creating and maintaining an environment in which Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH) have no place, and where they will not be tolerated by any employee, sub-contractor, supplier, associate, or representative of the company. The purpose of this *Code of Conduct* is to:

1. Create a common understanding of what constitutes expected behavior from workers
2. Create a shared commitment to standard behaviors and guidelines for company employees to prevent, report, and respond to any environmental and social negative issues (including SEA/SH), and
3. Create understanding that breach of this code of conduct will result in disciplinary action.

### Definitions

#### Sexual Exploitation and Abuse (SEA)<sup>1</sup>

Is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another<sup>2</sup>.

**Sexual Abuse:** "The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."

#### Sexual Harassment:<sup>3</sup>

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of sexual nature.

#### Sexual Harassment versus SEA<sup>4</sup>

SEA occurs against a beneficiary or member of the community. Sexual harassment occurs between personnel/staff of an organization or company and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each.

**Consent** is the choice behind a person's voluntary decision to do something. Consent for any sexual activity must be freely given, ok to withdraw, made with as much knowledge as possible, and specific to the situation. If agreement is obtained using threats, lies, coercion, or exploitation of power imbalance, it is not consent. **Under this Code of Conduct<sup>5</sup> consent cannot be given by anyone under the age of 18, regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of the child is not a defense.**

There is no consent when agreement is obtained through:

- the use of threats, force or other forms of coercion, abduction, fraud, manipulation, deception, or

<sup>1</sup> As defined in the UN Secretary's bulletin – Special Measures for protection from sexual exploitation and abuse October, 9, 2003 ST/SGB/2003/13

<sup>2</sup> In the context of World Bank Financed operations exploitation occurs when access to, or benefit from a World Bank Financed good or service is used to extract sexual gain.

<sup>3</sup> Inter-Agency Standing Committee *Protection against Sexual Exploitation and Abuse (PSEA): Inter-agency cooperation in community based complaint mechanism. Global standard Operating Procedures.* May 2016

<sup>4</sup> Ibid

<sup>5</sup> In accordance with the United Nations Convention on the Rights of the Child.

representation  
the use of a threat to withhold a benefit to which the person is already entitled, or  
a promise is made to the person to provide a benefit.

While all forms of violence against a community resident or a co-worker are forbidden, this code of conduct is particularly concerned with the prevention and reporting of sexual exploitation and abuse (SEA) and sexual harassment which constitute gross misconduct, are grounds for termination or other consequences related to employment and employment status:

(1) Examples of sexual exploitation and abuse include, but are not limited to:

- A project worker tells women in the community that he can get them jobs related to the work site (cooking and cleaning) in exchange for sex.
- A worker that is connecting electricity input to households says that he can connect women headed households to the grid in exchange for sex.
- A project worker gets drunk after being paid and rapes a local woman.
- A project worker denies passage of a woman through the site that he is working on unless she performs a sexual favor.
- A manager tells a woman applying for a job that he will only hire her if she has sex with him.
- A worker begins a friendship with a 17-year-old girl who walks to and from school on the road where project related work is taking place. He gives her rides to school. He tells her that he loves her. They have sex.

(2) Examples of sexual harassment in a work context include, but are not limited to:

- Male staff comment on female staffs' appearances (both positive and negative) and sexual desirability.
  - When a female staff member complains about comments male staff are making about her appearance, they say she is "asking for it" because of how she dresses.
  - A male manager touches a female staff members' buttocks when he passes her at work.
- A male staff member tells a female staff member he will get her a raise if she sends him naked photographs of herself.

Individual signed commitment:

I, \_\_\_\_\_, acknowledge that sexual exploitation and abuse (SEA) and sexual harassment, are prohibited. As an (employee/contractor) of (contracted agency / sub-contracted agency)in(country), I acknowledge that SEA and SH activities on the work site, the work site surroundings, at workers' camps, or the surrounding community constitute a violation of this Code of Conduct. I understand SEA and SH activities are grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit SEA and SH may be pursued if appropriate.

I agree that while working on the project I will:

- Treat all persons, including children (persons under the age of 18), with respect regardless of sex, race, color, language, religion, political or other opinion, national, ethnic or social origin, gender identity, sexual orientation, property, disability, birth or other status.
- Commit to creating an environment which prevents SEA and SH and promotes this code of conduct. In particular, I will seek to support the systems which maintain this environment.
- **Not** participate in SEA and SH as defined by this Code of Conduct and as defined under (country) law (and other local law, where applicable).
- **Not** use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.

- **Not** participate in sexual contact or activity with anyone below the age of 18. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense. I will not participate in actions intended to build a relationship with a minor that will lead to sexual activity.
- **Not** solicit/engage in sexual favors in exchange for anything as described above.
- Unless there is the full consent by all parties involved, recognizing that a child is unable to give consent and a child is anyone under the age of 18, 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” under this Code.

**I commit to:**

- Adhere to the provisions of this code of conduct both on and off the project site. Attend and actively partake in training courses related to preventing SEA and SH as requested by my employer.

If I am aware of or suspect SEA/ SH, at the project site or surrounding community, I understand that I am encouraged to report it to the Grievance Reporting Mechanism (GRM) or to my manager. The safety, consent, and consequences for the person who has suffered the abuse will be part of my consideration when reporting. I understand that I will be expected to maintain confidentiality on any matters related to the incident to protect the privacy and security of all those involved.

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

- Informal warning or formal warning
- Additional training.
- Loss of salary.
- Suspension of employment (with or without payment of salary)
- Termination of employment.
- Report to the police or other authorities as warranted.

*I understand that it is my responsibility to adhere to this code of conduct. That I will avoid actions or behaviors that could be construed as SEA and SH. Any such actions will be a breach this Individual Code of Conduct. I acknowledge that I have read the Individual Code of Conduct, do agree to comply with the standards contained in this document, and understand my roles and responsibilities to prevent and potentially report SEA and SHA 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: \_\_\_\_\_