

Tripura Rural Economic Growth and Service Delivery Project (TRESP)

LABOR MANAGEMENT PROCEDURES

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**Tribal Welfare Department
Government of Tripura
PN Complex, Gurkhabasti, Agartala**

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Abbreviations and Acronyms

COVID-19	Coronavirus Disease 2019
EA	Environmental Assessment
ESIA	Environmental and Social Impact Assessment
ESA	Environmental and Social Assessment
ESMF	Environmental Social Management Framework
ESF	Environmental and Social Framework
ESHS	Environment Social Health and Safety
ESRS	Environmental and Social Review Summary
GoI	Government of India
GRM	Grievances Redress Mechanism
GBV	Gender Based Violence
LA	Land Acquisition
LARR	Land Acquisition & Resettlement and Rehabilitation
M&E	Monitoring and Evaluation
PAP	Project Affected Person
SEP	Stakeholder Engagement Plan
WB	The World Bank

Executive Summary

1. The Government of Tripura with support from the World Bank is preparing a tribal focused, multi-sectoral project "Tripura Rural Economic Growth and Service Delivery Project (TRESP)". The Project Development Objective is to enhance connectivity access to improved services and economic opportunities for tribal areas in Tripura. TRESP aims to expedite socio-economic development of Scheduled Tribes through a multi sectoral approach of sustainable livelihood and infrastructure development. While the project is covering 23 blocks for improving sustainable livelihoods and economic opportunity through connectivity for rural populations in identified aspirational blocks, a more intensive approach will be implemented in the aspirational blocks. Transport connectivity will be improved through a state-wide rural road improvement program in support of rural road efficiency and accessibility to social and economic amenities such as markets, schools, and other services. As a direct contribution to rural economic opportunity and enhanced inclusivity, the project will improve rural livelihoods via diversified production clusters and agriculture logistics including aggregation, storage facilities, and supply chain markets. In addition, quality education facility through teaching learning system will supported in schools across the 23 blocks as well as school infrastructural support for 16 schools across 12 aspirational blocks.

2. The project has four components. Component 1 (Strengthening Foundations for Economic Development) focuses on improving rural livelihoods via strategic investments in the agriculture and allied sector complemented with investments in improving connectivity through road construction and rehabilitation. Component 2 (Investing in Human Capital Development) focuses on improving the learning levels of students from aspirational tribal blocks, helping to increase their educational attainment, and enhancing their preparedness for labour market. Component 3 (Strengthening Institutions for Service Delivery and Economic Development) aims to strengthen capacity of local institutions so they can deliver on the activities outlined under components 1 and 2 of TRESP and contribute to the goal of improved service delivery and economic development in tribal blocks of Tripura. Component 4 (contingent emergency response) focuses on natural disaster and emergency response. The GoT may request the Bank to re-allocate project funds to support response and reconstruction. This component could also be used to channel additional funds should they become available because of an emergency.

3. TRESP PIUs will contract agencies to undertake civil works, agencies/firms to support core-functions, and other implementation support partners for implementation. These could be from anywhere within the State or other states within India. The scale of labour deployment in TRESP is estimated to be around 30 workers per 10-kilometer road stretch for an average duration of one year and 25-30 workers for every school complex for an average period of 2 years. Skilled and semi-skilled workers are expected to be around 25 per cent each of the total workforce.

4. Majority skilled workers are expected to be migrants, but only likely to constitute about 20-25 per cent of the overall deployment. It is important to understand that not all labour will be deployed at the same time, so peak labour

requirement and not the overall labour usage over the project period will be an important consideration for a simple but effective labour management plan.

5. There are potential risks and impacts for the workers, who would be engaged for various construction works as well as risks on health and safety aspects of community around the project roads. Key ones are: occupational health and safety issues due to over exposure to dust, noise levels, chemicals and hazardous wastes, lack/inadequate or inappropriate personnel protective gear; non-payment and disparity of wages; denial of benefits (compensation, bonus, maternity benefits etc.); discrimination in employment (e.g. abrupt termination of the employment, working conditions, wages or benefits etc.; sexual harassment at work sites or workforce camps; safety and security of women workforce at work sites and within workforce campsites; deployment of forced, bonded or child labour and absence of a grievance mechanism to redress workers grievances.

6. To manage and mitigate all such workers related risks and impacts, a Labour Management Procedure (LMP) for the Project workers has been prepared. The LMP sets out the approach to management of labour issues in the project and meeting requirements of State and National labour law/regulations, Occupational Safety, Health and Working Condition requirements as well as the objectives of the World Bank's ESF and objectives of ESS2 on Labour and Working Conditions. The project will conform to all key national and state legislations related to Occupational Safety, Health and Working Conditions Building and Other Construction Workers' Employment Child Labour, Wage Payment and Sexual Harassment at Workplace Existing State and National regulations are largely consistent with the ESS2 requirements except in case of primary supply workers and community workers, although community workers are not likely to be engaged in this project. In respect of COVID situation, the applicable SOPs/key guidelines issued by Government of India and Government of Tripura will be applicable.

7. The primary responsibility for project implementation lies with Society for TRESP under TWD and key line departments that will function as PIUs for their respective components. Specifically, on ESS, the PMU will be responsible for the implementation of all social and environmental issues. PMU headed by the Project Director will oversee the implementation of all construction packages, including the Labour Management Procedure (LMP) while at the site/ sub-project level, executive agencies of respective PIUs will be responsible for implementation. PIU of the implementing departments will contract agencies to undertake civil works and other implementation support agencies like the Project Management and Construction Supervision Consultants and other multi-disciplinary Consulting firms.

8. The contractors and sub-contractors, who will be primarily engaging the contract workers at field level will be overseen and managed by the PIU under the overall guidance of PMU. The details about engagement and management of Project Workers based on category, their role, responsible staff and locations are elaborated in the main report. It comprises Policies and Procedures relating to i) Incidents and Accident reporting; ii) Occupational Health and Safety; iii) GBV/SEA-SH and iv) COVID considerations – that will be embedded across different measures related to contracting of workers, their accommodation, work conditions, operating procedures at workplace/worksites for all categories of workers.

9. The Direct workers hired for TRESP MU, PIU as well as district and block level teams will be technically qualified, with age ranging between a minimum of 18 years and maximum 60 years. The wages of consultants/personnel deployed through

consultancy firms for various studies, agencies for RAP implementation will be determined through competitive bidding. The wages of contracted skilled, unskilled workers to be engaged by the Contractor will be subject to the provisions of Minimum Wages Act. PMU will ensure that under no circumstances, the contractors (including sub-contractors) working under TRESP will engage child labour and forced labour (all forms) including bonded labour (working against an impossible debt), excessive restrictions for freedom of movement, inordinately long notice periods. This will be ensured through i) inclusion of CoC (Code of Conduct) in the contract documents; ii) ESHS performance requirements on handling workers and iii) regular monitoring and reporting by the PIU and overall guidance and directions of Project Director-PMU.

10. In case of direct and contracted workers, the Project Director-PMU will be responsible for redressal of worker related grievances following the State Government, Government of India Rules and Regulations and LMP provisions. For contracted workers, the contractor is obligated under the contract to set up the site level GRM to redress complaints relating to workers deployed for construction works under TRESP. The GRM will have representatives of PIU, Contractor, Workers and women (either from PIU/contractor/workers) and function under respective PIU. The GRM for the Workers will be set up during mobilization phase of the contractor. Information relating to availability of GRM without any retribution, its institutional set up, timings and procedure for receiving complaints, mechanism of handling complaints, maximum time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be disseminated to the workers on a regular basis.

11. The ESHS (Environment, Social, Health and Safety) requirements have been specified and incorporated as special conditions and performance requirements in all bid documents of contract packages under TRESP. Cost provisions for implementation of ESHS requirements will be built into item rates and during bid preparation the PMU will assess the need for creating a specific E&S Performance Security guarantee to ensure compliance with the LMP and ESHS measures outlined in the LMP and the contract documents. Further, the ESHS performance requirements incorporated in the bid documents obligate the contractor, upon mobilization, to prepare a Contractor's ESMP (C-ESMP), which will include mitigation and management plans for risks and impacts identified in ESMF and ESMP included in the bidding document. The C-ESMP will be reviewed and approved by the PIU and PMU, prior to commencement of construction works. The approved C-ESMP will be reviewed periodically and implemented by the contractor and will have specific responsibilities related to labour management. The monitoring of performance of contractors including the implementation of C-ESMP and meeting the ESHS performance requirements by the contractor will be overseen and managed by the PIU/DPMU under the overall guidance and direction of Project Director.

1. Project Description

1. The Tribal Welfare Department (TWD), Government of Tripura (GoT) is preparing the Tripura Rural Economic Growth and Service Delivery Project (TRESP) with the assistance of the World Bank. The project is envisaged as multi-sectoral in nature, involving multiple implementing agencies. As the nodal agency, implementation arrangements under the project will be coordinated by the Tribal Welfare Department through a Society for TRESP (PMU). The Departments of Education (DoE), Public Works Department (PWD), Department of Agriculture (integrated with Directorate of Horticulture), Department of Fisheries, Animal Resources Development Department (ARDD) and Tripura Rural Livelihood Mission (TRLM) will be the Project Management Unit (PIUs) implementing different components of the project. TRESP will involve construction of educational buildings, rural roads and other market and post-harvest infrastructure. Besides, it will involve and support analytical studies and implementation support to TWD, besides in capacity building activities of TWD and line departments.

2. The Project Development Objective is 'to enhance connectivity and access to improved services and economic opportunities for tribal areas in Tripura' that will be achieved through livelihood interventions in agri and allied activities, upgradation of rural roads, improved access to quality education. TRESP has four major components, (i) strengthening foundation for economic development, (ii) investing in human capital development, (iii) strengthening institutions for service delivery and economic development, and (iv) contingent emergency response.

3. TRESP aims at three broad pillars for physical intervention across its target region. First, the focus is on productivity improvement, better Package of Practices (PoPs) and selected expansion of post-harvest infrastructure and marketing-processing facilities. Secondly, increasing connectivity to villages in remote locations to ensure better access to services, entitlements and markets. Thirdly, improving access to quality education by creating better equipped school complexes, capacitating early schoolteachers and offering relevant vocational education. TRESP is to be implemented in 23 Tribal Blocks, including 12 aspirational Blocks. These are predominantly tribal blocks with tribal population of more than 85 percent and fall under the notified Scheduled VI Areas.

1.1. Nature of Proposed Project Interventions

4. The proposed TRESP will involve construction activities primarily related to construction & renovations of educational buildings, upgradation of rural roads and other related infrastructure. Majority of the road construction activities will be limited to road upgradation and widening, and some roads will be of improvement and strengthening in nature on present dirt tracks. It would involve construction of road, embankment, drainage, culvert, black top treatment (removal of debris, cutting and filling, clearing of drain etc. that will proceed in the linear manner & in phases and for construction and renovations of buildings involve working at heights, deep excavations demolishing works earthwork, machinery handling and construction material movement, etc.).

5. Construction and provision of basic school infrastructure and add-on facilities will cover 31 schools (including smart class provisions). Construction and renovation of schools in the existing school campuses will be carried out in 16 schools. Amongst the 16 schools, 14 schools will be having complete construction, and demolition and

reconstruction of building structures in 2 schools. The averages built up area of the schools under renovations will be from 1500 to 2500 sqmt.

6. Such type of construction activities typically involve environment, occupational health and safety issues having potential impacts on labour working at height.

7. The different contract packages under TRESP will require an estimated 875 contract workers, comprising of project, supervision and construction managers and supervisors apart from skilled, semi-skilled and unskilled construction workers (labour) that will be deployed by the Contractors and sub-contractors of different packages.

8. Among these, skilled and unskilled workers or labour constitute nearly 75-80%, whereas skilled workers, supervisors and technicians will constitute less than 25%. Among the contract workers, the skilled construction workers (25% of total work force approximately) will be largely migrants, belonging to other states like Assam, West Bengal, Jharkhand and Bihar and will stay at labour camps/ rented accommodation organized by the contractors. The skilled and unskilled workers will be normally sourced through registered labour contractors, as a standard operating practice. About 15 % of the contract workers and 20 percent of the Direct Workers is expected to be women.

1.2. Purpose of Labour Management Procedure

9. Implementation of TRESP will generate potential risks and impacts on the project labour, who would be engaged for various construction works such as construction & operation workers directly engaged by the borrower (direct workers), EHS, workers engaged through third parties (contracted workers), as well as workers engaged by the client's primary suppliers & contractor (supply chain workers). The project will involve employment of direct and contracted workers during construction and operation phases.

10. In order to manage and mitigate all related occupational health risks and impacts, a Labour Management Procedure (LMP) is prepared for TRESP under the aegis of TWD. The LMP sets out the approach to meet all National requirements as well as the objectives of the World Bank's Environmental and Social Framework, specifically objectives of Environmental and Social Standard: Labour and Working Conditions (ESS2).

11. LMP is prepared with specific provisions for healthy working conditions, occupational health and safety, prohibit child and forced labour, gender-based violence, migrant and seasonal labour, management of labour influx, protection of vulnerable workers, possible accidents or emergencies as well as labour focused grievance redress mechanism to mitigate workers related risks and promote health and safety. LMP sets out the approach to management of labour issues (both local & migrant) in the project and meeting requirements of State and National labour law/regulations, Environmental, Health and Safety Guidelines (EHSGs). This will be part of Contractor's bid document

12. LMP have following key objectives to achieve.

- To promote safety and health at work.
- To promote the fair treatment, non-discrimination and equal opportunity of project workers.
- To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS)

and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.

- To prevent the use of all forms of forced labour and child labour.
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- To provide project workers with accessible means to raise workplace concerns

2. Overview of Labour Use in TRESP

Number of Project Workers

13. Based on past precedent and discussions with the implementing agencies, it is estimated that the scale of labour deployment at different sub-projects and sites under TRESP is estimated to be around 30 workers per 10-kilometer road stretch for an average duration of one year and 25-30 workers for every school complex for an average period of 2 years. The skilled and semi-skilled workers are expected to be around 25 per cent each of the total workforce and the remaining 50 percent will be unskilled workers. Majority skilled workers are expected to be migrants, but only likely to constitute about 20-25 per cent of the overall deployment. It is important to understand that not all labour will be deployed at the same time, so peak labour requirement and not the overall labour usage over the project period will be an important consideration for a simple but effective labour management. Table below gives a tentative number of workers under different categories, assuming that at least 50 percent of the sites will be operational at a given time.

Table 2-1: Coverage under TRESP

Sl. No.	Type of Project Workers	Requirement in Numbers
1	Direct Workers (full time at PMU, PIU, District and Block level teams)	232
2	Contracted Workers	
2a)	Peak labour demand in road and school works projects	875
2b)	Project Management/ Construction Supervision Consultants	10
2c)	Consultants for Project Preparation and other studies (e.g., DPR, ESIA, Institutional Strengthening/Re-Organization Studies, Road Safety Database Management Program etc.)	50
TOTAL		1167

Characteristics of Project Workers

14. Characteristics are grouped into the three applicable categories – Direct Workers: Contracted Workers (Construction workers, Construction Supervision consultants and Consultants for various studies) and primary supply workers in various offices in Agartala and district/block offices. Ensuing paragraphs present details.

15. **Direct Workers:** The Direct Workers will be the staff hired by the project for staffing the positions in various project offices created for implementation, including in the participating departments and their PIUs (Project Implementation Unit). In addition, 5 District level PMUs and 23 Block level PMUs will be set up to support the implementation and monitoring of the project. These would be skilled and semi-skilled personnel, subject matter experts, technical and support staff who will be hired from the market based on agreed terms of reference.

Contracted Workers: This category constitute different sub-categories of Contract Workers as hereunder:

- **Construction Workers:** The different contract packages under TRESP will require an estimated 875 contract workers, comprising of project, supervision and

construction managers and supervisors apart from skilled, semi-skilled and unskilled construction workers (labour) that will be deployed by the Contractors and sub-contractors of different packages. Among these, skilled and unskilled workers or labour constitute nearly 75-80%, whereas skilled workers, supervisors and technicians will constitute less than 25%.

- Among the contract workers, the skilled construction workers (25% of total work force approximately) will be largely migrants, belonging to other states like Assam, West Bengal, Jharkhand and Bihar and will stay at labour camps/ rented accommodation organized by the contractors. The skilled and unskilled workers will be normally sourced through registered labour contractors, as a standard operating practice. About 15 % of the contract workers and 20 percent of the Direct Workers is expected to be women.

- **Construction Supervision Consultants (CSC):** TRESP will contract CSC or Project Management Consultants to assist PMU and PIUs in project implementation and construction supervision. These agencies are expected to deploy an estimated 10 consultants, constituting multidisciplinary consultants/professionals over the project implementation phase ranging between 24 to 36 months. These workers will be technically qualified professionals and will usually be from outside the state.

- **Contracted Consultants:** TRESP will require different types of consultancy services for preparation of DPRs, studies, Institutional Strengthening/Capacity Building, IT/ Database Management among others. These contracted consultancy firms are expected to deploy an estimated 50 workers, comprising multidisciplinary consultants/professionals during project preparation as well as implementation phase ranging between 4 to 18 months. These contracted consultants (workers) will be technically qualified and will likely be a mix of locals as well as migrants.

16. **Primary Supply Workers:** TRESP envisages engagement of primary supply workers, especially those engaged in preparation and supply of material for rural roads and school construction. The project directly and through its contractors will make sure that all such primary supply workers do not engage child, forced or bonded labour and apply all preventive measures to ensure workers safety at their workplace.

17. **Community Workers:** The project does not envisage hiring community workers in any of the interventions planned under the project. The worker requirements in road and education construction will be entirely met through the contracted workers while in case of agriculture interventions most interventions will be beneficiary oriented and will not deploy farmers and farmer collectives to provide community labour.

2.1. Timing of Labour Requirements:

18. The direct workers engaged at the PMU and PIUs at Agartala as well as those in the District and Block level PMUs located in different project districts and blocks will be hired for the entire duration of the project.

19. The deployment of contracted workers, particularly skilled and unskilled category is directly linked to the working season (7-9 months in a year), type of project construction activities (manual or machinery based) under progress at any stretch of the project roads and school complexes. Of the estimated 875 skilled and unskilled construction workers for total of approx. 529 km roads and 16 school complexes located in different districts, at least 10-15% will be deployed at any given time with numbers peaking in the working season to around 50 percent of the total

requirement, depending upon the stage of construction. These construction labour will be deployed for 7-9 months in a year at specific road and school construction locations across the project area and their overall deployment is not expected to be more than 24 months. However, where the same contractor or sub-contractor is executing a number of packages, these workers may be deployed at another package after completion of one package. At any given location or site, the maximum number of construction workers is not expected to be more than 25-30.

2.2. Information on Contracted Workers:

20. PMU and PIUs will maintain information on engagement of contracted workers of all categories. The contractors will be contractually obligated to maintain updated information on all categories of contracted workers, especially migrant construction workers and periodically share the same with respective PIUs, which in turn will be available with PMU at Agartala.

21. The format for submittal of information on all contract workers will be finalised during mobilization phase of the contractor. The information database on contracted workers to be maintained by the contractor will include not limited to the following:

- Name and Age (to be supported by AADHAR /Voter Card or any other recognized government document)
- Father's Name and Permanent Address
- Marital Status and Name of the Spouse (if married)
- Number of Children with Gender (as applicable)
- Place of Stay of Spouse and Children during work engagement under HPSRTP
- Address and Contact Number (in case of any emergency)
- Key Skills and Years of Experience
- Duration of Contract and Rotation Arrangements
- Facilities Arranged by Contractor including health check-ups prior to engagement, accommodation (onsite labour camps, rented with local community) transportation to work site and other facilities (to be specified by Contractor)
- Pre-Employment Check-ups, Fitness Tests and Health Awareness Campaign for workers

3. Assessment of Key Potential Labour Risks

3.1. Project Activities

22. Different packages are likely to construct and upgrade approximately 529 kms of rural roads in the project area apart from constructing and upgrading 16 school complexes. These construction works will entail the following activities:

- Site clearance activities including clearing and grubbing
- Establishing of material stack yard, cold/hot mix plant, concrete batch mix plants, labour camps as per requirements
- Procurement of construction materials, stacking and transportation to work sites
- Hill side cutting and Valley side filling
- Construction of retaining walls, breast walls, parapets, longitudinal drains etc.
- Levelling and consolidation of roadway formation widths
- Laying of bitumen pavement and construction of shoulders
- Construction of culverts, minor bridges (including those bridges of below 20 mtr., and located within the proposed upgradation road sections) of the proposed roads
- Demolishing of entire or part of the existing school building
- Construction and finishing of 2 storeyed school complexes with different facilities and amenities including laboratories, dining halls, school kitchens and toilets,
- Creation of internal paths in the school premises/ campus
- Collection, transportation and disposal of all construction debris at approved locations
- Restoration of borrow areas, campsites, material stack yard, hot mix plant, concrete batch mix plants, workforce camps, as per agreed upon site restoration plan

3.2. Key Labour Risks related to the Project Activities

- Lack of training/awareness/ orientation amongst workforce regarding safety at work
- Safety issues, while work at heights and working around moving equipment/machineries
- Lack/Inadequate or inappropriate personnel protective gear and or safety accessories
- Injuries/fatalities leading to even death, while at work during normal course, either due to negligence at work or inadequate experience/training
- Inadequate first-aid facilities at work sites and lack of emergency response mechanism

- Short and long-term effects on health due to over exposure to dust and noise
- Long term effects on health due to exposure to chemicals or hazardous wastes, if any
- Inadequate accommodation, safety or sanitation facilities at labour camps
- Lack of adequate sanitation and health facilities at site or camps
- Non-payment, delayed or disparity in wages
- Non-payment or denial of benefits (compensation, bonus, maternity benefits, overtime etc.)
- Discrimination in employment (e.g., abrupt termination of the employment, working conditions, wages or benefits etc.)
- Engagement of child labour, forced or bonded labour
- Gender based violence, Sexual harassment at work sites or camps, including safety of women workers and families of workers
- Resource or other conflicts with local community, including those related to gender-based violence (GBV) and labour influx
- Health risks of labour relating to HIV/AIDS and other sexually transmitted diseases
- Absence of preparedness for emergency response during natural calamities, hazards and pandemics at operational sites and camps
- Unclear terms and conditions of employment (both for direct and contracted workers)
- Discrimination and denial of equal opportunity in hiring and promotions/incentives/training opportunities (direct workers)
- Restrictions on workers' rights to organise or form associations
- Absence of an effective mechanism for workers to seek redressal for their grievances

23. The labour risk mitigation and OHS management of contracted workers and related issues arising during construction works will be under direct control of contractors and thus have to be managed by contractors. Therefore, ensuring effective management of OHS plan for contract workers by contractor is core to the implementation of LMP. However, the overall responsibility for labour management as per guidance provided in this LMP will lie with the Society for TRESP as the Principal Employer under the Project.

24. The ESHS (Environment, Social, Health and Safety) requirements under TRESP will be incorporated as special conditions and performance requirements in bid documents of all contract packages. Cost provisions for implementation of ESHS requirements will be built into the item rates, so that contractor can meet those requirements. In addition, during bid preparation the PMU will assess the need for creating a specific E&S Performance Security guarantee to ensure compliance with the measures outlined in the LMP, ESHS guidelines and the contract documents. Thus,

the potential bidders (contractors) will be fully aware of ESHS performance requirements and accordingly cost works during the bidding stage. In respect of COVID -19: the contractors under the guidance of the IAs and the local project teams will follow all safety measures and precautions as provided by Government of India and the state at that time.

4. Brief Overview of Labour Legislation: Terms and Conditions

4.1. Regulatory Framework

25. The Government of India and Tripura State Labour related regulations, which are currently in force and applicable are summarised given in Table 7.1.

Table 4-1: Applicable Labour Regulations to TRESP

S. No	GoI Regulations/Guidelines/Orders & Govt. Of Tripura	Stipulations /Terms and Conditions
1.	Building and Other construction Workers' (Regulation of employment and conditions of service) Act, 1996 and Rules 1998 and Tripura Building and Other construction Workers' (Regulation of employment and conditions of service) Act, 2008	All the establishments, which carry on building or other construction work and employ 10 or more workers are covered under this Act. Employer of the establishment is required to provide safety measures at the building or construction work and other welfare measures, such as canteens, first-aid facilities, ambulance, housing accommodation for workers near the workplace, among other benefits under the Rules.
2.	Building and other construction workers Welfare Cess Act, 1996	Provides for levy and collection of a cess on the cost of construction incurred by employers to augmenting the resources of the Building and Other construction Workers' welfare Board constituted under Building and Other construction workers (Regulation of employment and conditions of service) Act, 1996
3.	Payment of Wages Act, 1936	Lays down as to by what date, wages are to be paid, when it will be paid and what deductions be made from the wages of the workers, if any
4.	Payment of Gratuity Act, 1972	Gratuity is payable to an employee under the Act on satisfaction of certain conditions on separation, if an employee has completed 5 years of service with employer
5.	Employees Provident Fund and Miscellaneous Provision Act, 1952	Provides for monthly contributions by the employer and as well as by workers with a provision as return of pension of a lump sum (principal and interest accrued) at the end of his/her service term).
6.	Equal Remuneration Act, 1979	Provides for payment of equal wages for equivalent work to male and female workers without any discrimination against women.
7.	Payment of Bonus Act, 1965	Provides for payments of annual bonus subject to a minimum of 8.33% of wages and maximum of 20% of wages.
8.	Minimum Wages Act, 1948	The Act ensures payment of minimum wages as fixed by appropriate state Government as per provisions of the Act. All employers are to pay the wages not less than the fixed Minimum Wages for the state/region/union territory
9.	Workmen's Compensation Act, 1923 (Amended 2009)	Provides for compensation in case of injury by accident arising out of and during the course of employment
10	The Employees Provident	Every establishment, which engages in any industry

S. No	GoI Regulations/Guidelines/ Orders & Govt. Of Tripura	Stipulations /Terms and Conditions
	Fund Act and Miscellaneous Provisions act, 1952	specified under schedule 1 and in which 20 or more persons are employed are under the purview of this Act.
11	ESI Act, 1948 (Employees State Insurance Act, 1948)	Employees State Insurance Act provides for health care and hospitalization benefits for construction work force
12	Maternity Benefit Act, 1951	Provides for maternity leave for women, during pregnancy and after giving birth and some other benefits to women employees, in case of medical recommendation of bed rest or miscarriage etc.
13	Paternity Leave Entitlement	Provides for paternity leave for men during wife's pregnancy and after giving birth and in case of medical recommendation of bed rest or miscarriage etc for wife.
14	The Child Labour (Prohibition and Regulation) Act, 1986	This Act prohibits employment of children below 14 years of age in certain occupations and provides for regulation of employment of children in all other occupations and processes. Employment of child labour is prohibited in Building and construction industry
15	Contract Labour (Regulation and Abolition) Act, 1948	Provides for certain welfare measures to be mandatorily provided by the contractor to the contract labour.
16	The Contract Labour (Regulation & Abolition) Act, 1970 and Rules	Applicable for every establishment in which 20 or more workmen are employed or were employed on any day of the preceding 12 months as contract labour.
17	The Bonded Labour (Abolition) Act 1976	An Act to provide for the abolition of bonded labour system, with a view to prevent economic and physical exploitation of the weaker sections of the people and for all matters connected there with or incidental thereto
18	The Trade Union Act, 1926	Lays down the procedure for registration of trade union of workers and employers. The trade unions registered under the Act have been given certain immunities for civil and criminal liabilities.
19	Inter-state Migrant Workmen's (Regulation of Employment and Conditions of Service) Act, 1979	The inter-state migrant workers, in an establishment to which the Act becomes applicable, are required to be provided with certain facilities such as housing, medical aid, traveling expenses from home to the establishment and back etc.
20	Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 and amendments	The act provides for protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

5. Roles and Responsibilities related to Labour Management

26. The primary responsibility for project implementation lies with Society for TRESP. Society for TRESP will have a Project Director (preferably a dedicated government official from the Indian Civil Services) and a full time dedicated Chief Operating Officer who will be recruited as a senior management consultant with decision making powers. PMU with its E&S Team (an environmental specialist and a social development specialists) will oversee the overall implementation of Environment and Social Management Framework (ESMF), adherence to Labour Management Procedure (LMP), Environment and Social Commitment Plan (ESCP), and Stakeholder Engagement Plan (SEP). These activities will be undertaken by operational staff at PMU and by PIU, supported as necessary by consultants. TRESP will set up one PMU at its headquarters in Agartala and PIUs at field level. PIU and PMU will also have offices in districts and block level where sub projects will be taken up. The respective PIUs and their field staff will be responsible for the implementation of these procedures by the contractors and other responsible parties. However, the overall responsibility for the implementation will lie with the Principal Employer, which will be the Society for TRESP.

27. The PD, supported by the Social Development Specialist- PMU will ensure that all ESS2 provisions related to safety, health, fair treatment, non-discrimination, protection of project and vulnerable workers, prevention of child-forced- bonded labour as well as their right to pursue collective bargaining and raise workplace concerns are monitored and duly complied with and necessary support systems are in place for their fulfilment.

5.1. Engagement and Management of Project Workers

The following categories of Project workers will be engaged by the Project:

28. **Direct Workers:** All Direct Workers engaged at both PMU and PIU at various levels (State, Districts and Blocks) will be managed and over seen by the PMU under the overall guidance of Project Director and the COO. PMU and the PIUs will have senior and middle level Consultants, Subject Matter Specialists, technical, administrative as well as support staff All these Direct Workers will be managed and over seen by their respective PMU and PIU-in-Charge with overall responsibility for ensuring compliance with ESS2 requirements lying with the Project Director, supported by the Social Development Specialist at the PMU.

29. **Contracted Workers:** All the Workers engaged through third party, including contractors to perform the core functions of the project will include construction workers, employees of consultancy and support organisations. The Project Director of Society for TRESP will have the responsibility to ensure that they are employed or contracted in line with the requirements of ESS2. In case of civil works, these workers would be managed by a Project-In charge, representing the contractor for their respective construction packages. The Project -in- charge will also manage the contracted workers of sub-contractors as well as primary suppliers for respective packages. In case of consultancy services, the various consultancy teams would be managed by Team Leader of the consultancy firm under the directions of the Project Director.

30. **Primary Supply Workers:** The Primary Supply Workers associated with the project will need to adhere to the ESS2 requirements related to worker safety. The project will need to ensure that all workers of the primary supplies are provided safe working conditions and have been screened to ensure that there is no usage of forced, bonded or child labour in the organisation. The Project Director, through the respective PIUs, will need to ensure that ESS2 requirements related to primary supply workers mentioned above have been met and are regularly to ensure their sustained adherence. In case serious safety related risks are found, the concerned PIU will report, recommend and monitor completion of the suggested mitigation measures by the primary supplier.

Table 5-1: Engagement and Management of Project Workers under TRESP

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Assignment Location/ Package Level
Direct Workers	<ul style="list-style-type: none"> All GoT staff engaged for TRESP at PMU, DPMUs and BPMUs All GoT staff engaged for TRESP at the PIU 	Project Director and COO	PMU at Agartala
Contracted Workers	Other specialist Sector consultants supporting PIU/PMU	Project Director and COO, concerned PIUs or Support Agencies	PMU/PIUs, Agartala
	Supervision Consultant's Staff supporting PIU	PIU- in-Charge at the District (School and Agriculture) or Division Level (PWD) and reporting to Project Director at PMU	PIU at Field level for respective Package
	All Workers-construction workers, supervisors, manager deployed by Contractor	PIU- in-Charge at District (School and Agriculture) or Division Level (PWD) and reporting to Project Director at PMU	Package level
	Consultancy Agencies for various DPR preparation, studies, and assignments	Project Director	PMU at Agartala
Primary Supply Workers	Employees of material or machine suppliers,	PIU- in-Charge at the Executive Engineer Level and reporting to Project Director at PMU	Package level

5.2. Occupational Health and Safety (OHS)

31. The ESMF and ESMPs prepared for TRESP include measures to mitigate project's environmental and social risks and impacts and the institutional set-up in ESMPs outline the roles and responsibilities of different project stakeholders involved in implementation of ESMP and ESCP, including that of contractor's own Environmental Officer and one Health and Safety officer. The Environmental and Social Experts of PMU and DPMU and supervision Consultant will coordinate and enforce effective implementation of measures approved in C-ESMP.

32. The contractor's approved C-ESMP will be reviewed periodically (but not more than every three (3) years) and updated in a timely manner, to address changed requirements, if any during project implementation.

5.3. Training of Workers

33. The OHS plan, will be submitted by the contractor and approved by DPMU/PIU, prior to commencement of construction activities will have procedures and protocols for the training of workers at various stages as hereunder:

- Induction training of new workers on OHS Toolbox meet/briefings by work supervisors on daily basis, sensitisation of workers about safety procedures at work for the day
- Briefing on safety at work procedures, prior to commencement of any new activity/tasks
- Periodic tail gate sessions to review and refresh site protocols on safety procedures at work
- Response and reporting in case of injuries and/or incidents related to safety at work
- Periodic health check-ups and encourage to report occupational health issues
- Create awareness and report unsafe incidents at work, injuries including minor ones
- Awareness and mock drills about emergency response plan at worksite and reporting protocols
- Awareness and briefing on community safety, while at work
- Awareness and briefing on the GRM, specially set up redressing Grievances, without any retribution
- Mandatory use of PPEs at work and replacement of PPEs
- Sensitisation on and undertaking by all Contractors Personnel on the Code of Conduct and consequences of its violation
- Worker's orientation on behaviours that constitute SEA and SH

34. The contractors will be encouraged to deploy EHS officers and work supervisors, who have undergone professional training or certified courses in OHS at workplaces from accredited institutions. In addition, the contractors' supervisors and manager will also be provided copies of the SEA- SH declaration signed by their employers, list of responsibilities and required conduct.

5.4. Addressing Worker's Grievances

35. The contractor of respective construction packages will be obligated to set up a GRM, specially to redress complaints relating to workers deployed for construction works under TRESP. The GRM will have due representation of PIU, Project Management or Construction Supervision Consultant, Contractor, Workers and women (either from PIU/contractor/workers) and function under the PIU. The mandate for GRM, Institutional arrangements, procedure for receiving complaints, time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be finalised during the approval of C-ESMP by PIU. PMU will have an oversight of this labour GRM. The GRM for the Workers will be set up during mobilisation phase of the contractor. The minimum requirement for this GRM will include:

- Setting up complaint and suggestion boxes at work and camp sites
- Constituting a local grievance committee with representation from the PIU and workers, including women
- Making available grievance registers at the camp and work sites
- Making a helpline number available (of PIU or DPMU/ BPMU representative) available for workers to file grievances, including anonymous complaints
- Creating awareness among workers on their right to seek redressal to grievances without retribution
- Ensure closure of worker complaints only after they have been verified by the concerned PIU/ BPMU representative

6. Policies and Procedures for Ensuring Workers Safety

36. Policies and Procedures are listed under the following sub-headings: i) Incidents and Accident related; ii) Occupational Health and Safety related; iii) GBV/SEAH related.

- i) **Incidents and Accident Reporting:** The contractor will promptly notify to the PIU within 24 hours any incident or accident related or having an impact on the Project which has, or is likely to have, a significant adverse effect on the environment, tangible cultural heritage, the affected communities, the public or workers. They will provide sufficient details regarding the incident or accident, its cause, indicating immediate measures taken to address it and prevent future occurrence, including information provided by any contractor and supervising entity. Further, the PIU will appraise to the PMU, which will then share the details with the World Bank within stipulated timeframe. The implementing agency will ensure intimation to the labour welfare officer and conduct a root cause analysis of the incident through the Safety Officer of the contractor.
- ii) **GBV related:** About 80-85% of the contract workers are anticipated to be men, and women’s participation (about 15-20%) will largely be limited to unskilled and semi-skilled categories. Contractors will maintain harmonious relations with local communities by ensuring workers adhere to Code of conduct (CoC). The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behaviour. The CoC will include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). It will be the contractors responsibility to ensure that the CoC is written in plain language, understandable to both the local and migrant workers and signed by each worker to indicate that they have:
- Received a copy of the CoC as part of their contract.
 - CoC has been explained to them as part of induction process.
 - Acknowledged that adherence to CoC is a mandatory condition of employment.
 - Understood that violations of the CoC can result in serious consequences, up to and including dismissal, or referral to legal authorities.

37. To mitigate potential risks related to on-site safety and GBV, the Contractor/Main contractor will undertake actions as given below:

Table 6-1: Actions for Contractor for On-site Safety and GBV Risk Mitigation

.No.	Action	Timelines
1	Separate, safe and easily accessible facilities for women and men in the place of work and the labour camps. (e.g., toilets and washing facilities should be located in separate areas, well-lit)	Throughout construction period
2	Display signs that the project site is an area where SEA/SH is prohibited.	Throughout construction period

3	Ensure Codes of Conduct are clearly understood and signed by those with a physical presence at the project site;	Upon induction of each batch of workers
4	Train project staff on the behaviour obligations under the CoCs and Disseminate CoCs (including visual illustrations) and discuss with employees and local communities.	Periodic; every six months
5	Training of Direct Workers (at PMU. PIUs) on the POSH Act and constitution of an Internal Complaints Committee, where female workers are employed	Upon completion of recruitment to PMU- PIUs

iii) Occupational Health and Safety

The construction of rural roads in forested and undulating terrains, as found in the project area, have their own difficulties and add to the OHS challenges during construction stage. The significance of OHS concern for workers and community would increase due to site conditions, workers or communities' awareness on OHS preventive measures, lack of safety, supervision and monitoring by the contractors and implementing agency. The ESMF identified some OHS challenges that may be posed during implementation of the project.

Table 6-2: Potential OHS Risks, Sources/Causes during Project Activities

Potential OHS Risk	Sources/causes
Earth Slips/ Collapse	<ul style="list-style-type: none"> ▪ Earthwork excavation ▪ Scaffoldings ▪ Slope failure ▪ Landslide
Fall, Slips (Men and Material)	<ul style="list-style-type: none"> ▪ Work at Height (bridge, slope protection) ▪ Slips (Watery surfaces due to rain) ▪ Rock fall
Health injuries	<ul style="list-style-type: none"> ▪ Hot Mix Plant, Concrete Batching Plant, Crusher sites, and operation of Roller, Graders, Loader, Cranes etc. ▪ Inadequate/poor accommodation, waste management, basic amenities, and hygiene
Bulk spillage	<ul style="list-style-type: none"> ▪ Hazardous substance / inflammable liquid storage ▪ Vehicular movement on highway
Fire and explosion	<ul style="list-style-type: none"> ▪ Inflammable Storage Areas ▪ Gas Cylinder Storage Areas ▪ Electrical Circuits ▪ Welding / Gas Cutting Activity ▪ Inappropriate handling of Oxy Acetylene gas cylinders (LPG/DA)
Electrical Shock	<ul style="list-style-type: none"> ▪ HT line ▪ LT distribution ▪ Electrically Operated Machines / Equipment / Hand Tools / Electrical Cables
Gaseous Leakage	<ul style="list-style-type: none"> ▪ Gas Cylinder Storage Areas ▪ Gas Cylinder used in Gas Cutting / Welding Purposes

Potential OHS Risk	Sources/causes
Accidents due to use of heavy machinery and vehicle movement Vehicles	<ul style="list-style-type: none"> ▪ Roller, Graders, Loader, Cranes, Trucks ▪ Workman Transport Vehicles (cars / scooters / motorcycles / cycles) ▪ Collapse, toppling or collision of transport equipment
Other Hazards	<ul style="list-style-type: none"> ▪ Cuts & Wounds ▪ Confined Space (under & inside machinery etc.) ▪ Hot Burns
Accidents and injuries	<ul style="list-style-type: none"> ▪ Unprotected work sites at narrow road, bridges and culverts sites, material storage or stockpile locations

38. These OHS related risks and impacts arising during implementation will be managed through implementation of the ESMP through the contractors and the LMP. The OHS of workers during construction will be under control of contractors/ sub-contractors, who will be directly responsible and liable for safety of site equipment, labour and daily workers attending to the construction site and safety of citizens for each work site. The requirement for the preparation of an OHS plan by Contractor, as part of C-ESMP will be integrated in the contract documents and is one of TWD, GoT commitment in the ESCP. Further, the ESMP will be updated including management measures and contractor's responsibility to response to COVID risk. The Contractor shall be obligated to include Emergency Response and Management measures in OHS plan that will be part of the C-ESMP submitted for TRESP approval.

39. In order to manage the OHS risks, the contractor is required to prepare an OHS plan, Water and Waste Management Plan, Worker's camp management plan, CHS Plan, Transport (or road safety) management Plan, Quarry/borrow area management plan, Site restoration Plan and establish GRM for labour among others. All such plans prepared by contractor will be part of Contractor ESMP (Environmental and Social Management Plan) that will be reviewed and approved by the PMU/PIU/Supervision consultant, prior to commencement of construction works. The approved C-ESMP will be reviewed periodically and if required updated, to address changed requirements during project implementation.

40. The ESHS (Environment, Social, Health and Safety) requirements will be specified and incorporated as special conditions and performance requirements in all bid documents of the contract packages. Adequate cost provisions for implementation of ESHS requirements will be included in the item rates, so that contractor can perform requirements in a fair manner.

41. Under no circumstances, the contractors (including sub-contractors) working under TRESP will engage forced labour (all forms) including bonded labour (working against an impossible debt), excessive restrictions for freedom of movement, inordinately long notice periods, forceful keeping/ retaining worker's identity or any government issued documents or personal belongings, imposition of recruitment fee or commission payable either directly or indirectly at the commencement of employment, loss or delay of wages that impede the workers' right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other bouncers to force or extract work from project workers, or other restrictions that compel a project worker to work on a non-voluntary basis.

42. This will be ensured through i) inclusion of code of conduct in the contract documents; ii) ESHS performance requirements, which include code of conduct on handling workers and iii) regular monitoring and reporting by the ESMU functionaries under PIU and overall guidance and directions of Project Director. However, ensuring that all labour requirements outlined in this LMP are complied with by the contractors (including sub-contractors) will be the responsibility of the Society for TRESP.

7. Age of Employment

43. The Direct workers will be technically qualified, with the minimum age at the time of hiring not being less than 18 years.

44. The age of the technically qualified and or skilled contract workers can be range between a minimum of 18 years and maximum 60 years, whereas the age of unskilled workers can range between 18 to 60 years. For all workers above 65 years, it will be ensured that such contract workers are not deployed in areas requiring heavy, strenuous physical work

45. The age of the personnel deployed by Contractor could be verified by the PIUs through validation documents like AADHAR Card /Voter Card/Passport/Valid Driving License. In cases where the unskilled worker(s) are unable to produce valid age proof documents for whatsoever reason, the age could be ascertained through medical examination by competent medical authority at Government hospital at the expense of Contractor. However, in case of doubt about the minimum age of a worker, clinical/ anthropometric measurements will be taken to ascertain their minimum age.

46. Under no circumstance, children less than 14 years of age will be engaged for any kind of work and is a prohibited activity as per GoI and State Government norms. Children (non-adult i.e. those aged between 14 and 18 years) can be engaged for non-hazardous activities (as defined by Hon'ble Supreme Court of India in Tamil Nadu Firecracker Factory Case). The same is in accordance with the Child Labour Prohibition Act, 1986 and Child Labour (Prohibition and Regulation) Amendment Rules 2017 framed thereunder.

47. In case, it is detected by PMU/PIU officials that child labour is engaged, the contractor will be immediately issued show cause notice for termination of contract and matter will be duly reported to the district labour officer.

8. Terms and Conditions

8.1. Specific Wages

Specific wages of Direct Workers and Conditions of Work

48. The Direct workers, engaged for TRESP are consultant and specialists hired for the PMU and PIU, whose salary and other emoluments will be as per the prevailing market rates based on expertise and experience. It would be ensured that all direct workers are provided clear terms of reference and contracts outlining their roles, responsibilities and conditions of work, emoluments, work hours, leaves, allowances and notice periods for dissociation/ termination.

Specific wages of Contracted Workers and Conditions of Work

49. The wages of consultants deployed through the Contractors and other Third Parties that will be contracted services and determined through a competitive bidding process (technical and financial) and determined by prevalent market rates. The employing agencies- contractors (including sub-contractors) and other third parties will have to ensure that all workers engaged by them or on their payrolls are provided minimum wages as specified by the State's Minimum wage notifications (as notified from time to time), based on their employment category- skilled, semi-skilled or unskilled, subject to the provisions of Minimum Wages Act, 1948 and all other applicable national labour laws related to wage payment, insurance, employee benefits, provident fund, etc. The Society for TRESP will ensure, through the implementing agencies that there is no gender discrimination in wages paid to male and female workers and same wages will be paid for equivalent work to all workers in conformity with the Provisions of Equal Remuneration Act, 1976. The work hours for direct and contracted workers will not be more than 48 hours per week or 9 hours per day. Any contracted workers, made to work in excess of the same will be entitled to overtime at double the ordinary rates of wages in accordance with Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Rules, 2008 and subject to willingness of the worker to work for those additional hours and only in special circumstances.

8.2. Specific Terms and Conditions

- No worker will be required or allowed to work continuously for more than five hours unless he had an interval of rest of not less than half an hour.
- The working day of workers will be so arranged that inclusive of the intervals of rest, if any, will not spread over more than twelve hours on any day
- Every worker will be allowed a day rest every week, which will ordinarily be Sunday, but the contractor will fix any other day of week as the rest day, in consultation with the workers or any association/ union negotiating on their behalf
- No worker will be made to work on any day, which has been notified by Central or State Government in the official Gazette as a National Holiday.
- All categories of contract workers particularly unskilled workers can be directly engaged by the contractor or sourced through labour contractors. In such cases,

the labour contractor shall have valid registration with the competent authority in Tripura. However, it will be the responsibility of the Main Contractor to ensure that all committed labour provisions are in place and are being adhered to in accordance with the national laws and the requirements of the ESS2 as outlined in this LMP.

- All wages to contracted workers, especially for unskilled workers are to be paid directly by the Contractor, even if the unskilled workers are engaged through labour contractors or any sub-contractors, and the contractor will be required to keep proof of periodic wage payments for review by the PIU/ PMU and ESHS monitoring agencies
- Any denial in and/or untimely payment of wages to workers will render the contractor liable to an action before the relevant Labour court/Industrial Tribunals under the legislations mentioned above.
- Conditions of employment for skilled and unskilled workers will conform to Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996.
- Under no circumstances, child labour or forced labour (in any form) shall be engaged, as these are prohibited under National labour laws.
- Contractor will also be liable to be prosecuted in his personal capacity under the provisions of Indian Penal Code 1860 and other Penal legislations before criminal courts in case of gross negligence and dereliction of duty or contraventions of any such statute resulting in death or injury of the workers. The contractor will be responsible for ensuring adequate compensation to the affected workers in accordance with law and provide all necessary support in accessing entitlements and benefits available to workers and their families under government schemes.

9. Grievance Mechanism

50. The Project Director and COO will be responsible for providing guidance and advice on all worker related grievances and their redressal, in line with the State Government, Government of India Rules and Regulations and the LMP provisions.

51. The contractor of respective construction packages will be obligated to set up a GRM, specially to redress complaints relating to workers deployed for construction works. The GRM will have due representation of PIU, Contractor, Workers and women (either from PIU/contractor/workers) and will function under the concerned PIU. The mandate for GRM, Institutional arrangements, procedure for receiving complaints, time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be finalised in C-ESMP and will be as per the requirements specified in Section 7.4 of this LMP. PMU will have an oversight of this labour GRM and will be operationalised during the mobilisation phase by the contractor. The contractor will also be responsible for tracking and resolving workers grievances and maintain detailed records on grievances/complaints received, minutes of GRM meetings, recommendations and resolutions made thereof and intimation of resolution of grievance to the complainant.

52. Information relating to availability of GRM without any retribution, its institutional set up, timings and procedure for receiving complaints, mechanism of handling complaints, maximum time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be disseminated to the workers on a regular basis. The contractor will be responsible for ensuring adequate awareness among the workers about all GRMs available under the project, including the labour GRM, Projects dedicated GRM as well as the state-wide GRMs like the State Public Grievance Portal and CM Helpline, as well as through the local labour welfare officer. The contractor will be expected to orient all fresh batch of workers on how each of these GRMs could be accessed to register their work and safety related complaints.

53. Some of the GRM dissemination avenues are:

- Induction training for new workers
- Toolbox meet/briefings by work supervisors
- During periodic Tail Gate Sessions, to review and refresh site protocols on safety procedures
- Pictorial illustrations and posters in local language installed at prominent places like entry/exit points, canteen, labour camps sites etc
- During awareness campaigns for safety at work and response to Emergency Response Plans
- Awareness and briefing on community health and safety, while at work

Overall, the Social Development Specialist in PMU will support the Project Director to provide implementation and capacity building support on labour Management, including procedures for resolving workers grievances and will guide the PIU in this regard. S/he will also include workers grievance status in the Quarterly progress report submitted to the World Bank.

10. Contractor Management

54. The environmental, social risks and impacts including labour management and OHS issues arising from implementation of TRESP has been identified and will be managed through implementation of ESMP and LMP by the contractors. The labour management and OHS of workers and related issues arising during construction works will be under direct control of contractors and will be managed by contractors. Therefore, ensuring effective management of OHS plan for contract workers by contractor(s) is core to implementation.

55. The ESHS (Environment, Social, Health and Safety) requirements will be specified and incorporated as special conditions and performance requirements in all bid documents of contract packages. Adequate cost provisions for implementation of ESHS requirements have included in the item rates, so that contractor can perform requirements in a fair and objective manner.

56. The ESHS performance requirements incorporated in the bid documents, obligate the contractor, upon mobilization, to prepare a Contractor's ESMP (C-ESMP), which will include impacts mitigation and management plan, environmental enhancement plan, OHS plan, labour management plan, workers' campsite management plan, traffic management and road safety management plan, GRM for workers' in accordance with the requirements. The C-ESMP will be reviewed and approved by the PMU, prior to commencement of construction works. The approved C-ESMP will be reviewed periodically updated in a timely manner, to address changed requirements, if any during project implementation.

10.1. Monitoring Performance of Contractors

57. The monitoring of performance of contractors related to labour management, including the implementation of C-ESMP and meeting the ESHS performance requirements will be managed by the PIU under the overall guidance and direction of Project Director PMU.

58. All key provisions related to labour management, will be part of the qualification criteria for contractors and the bidding procedures. The contractor responsibilities outlined in this LMP will be part of the Employers Requirements (General and Particular Conditions of Contract) in the contract and will clearly spell their responsibilities related to labour, their working conditions, health and safety, including the worker's health and safety performance of their sub-contractors and primary suppliers.

Annexure 1: Code of Conduct

To be signed by Project Manager of Contractor

This Code of Conduct is part of our measures to deal with environmental and social risks related to civil works under TRESP. *This company-level code of conduct should be **signed by the Project Manager**, and shared throughout the company.*

[Company] is committed to creating and maintaining an environment in which gender-based violence (GBV) has no place, and in which it will not be tolerated by any employee, associate, or representative of the company. Therefore, in order to ensure that all employees, associates, and representatives of [Company] are aware of this commitment, and in order to prevent, identify, and respond to any allegations of GBV, the following core principles and minimum standards of behaviour will apply to all company employees, associates, and representatives without exception:

1. [Company] will comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Personnel and any other person.
2. [Company]—and therefore all employees, associates, and representatives—commit to treating women, children (persons under the age of 18) and men with respect, regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, sexual orientation or gender identity, disability, birth or other status. GBV is in violation of this commitment.
3. In the eyes of [Company], GBV constitutes acts of gross misconduct and is therefore grounds for sanction, which may include penalties and/or termination of employment. All forms of GBV are unacceptable, regardless of whether they take place on the worksite, the worksite surroundings, at workers' camps, or off-site (i.e. involving individuals not employed by the company). In addition to the potential sanctions listed above, legal prosecution will be pursued, if appropriate, for any employees, associates, and representatives alleged to have committed GBV.
4. Demeaning, threatening, harassing, abusive, or sexually provocative language and behaviour are prohibited among all company employees, associates, and representatives.
5. Sexual favours—for instance, making promises or favourable treatment dependent on sexual acts—are prohibited.
6. All employees, including volunteers and sub-contractors are expected to report suspected or actual GBV by a fellow worker, whether in the same company or not. Reports must be made in accordance with GBV allegation procedures.
7. All employees are required to be trained on joining work to ensure they are familiar with the GBV Code of Conduct.
8. All employees will be required to sign a code of conduct for Contractor's Personnel confirming their agreement to comply to the same.

I do hereby acknowledge that I have read the foregoing Code of Conduct, and on behalf of the company, agree to comply with the standards contained herein. I understand my role and responsibilities to prevent and respond to my employees' grievances. I understand that any action inconsistent with this Code of Conduct or

failure to take action mandated by this Code of Conduct may result in disciplinary action.

Signature: _____

Name of Project Manager: _____

Company Name: _____

Date: _____

To be signed by Contractor's Personnel

We are the Contractor [*enter name of Contractor*]. We have signed a contract with [*enter name of Employer*] for [*enter description of the Works*]. These Works will be carried out at [*enter the Site and other locations where the Works will be carried out*]. Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of sexual exploitation, sexual abuse and sexual harassment.

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, laborers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as "**Contractor's Personnel**" and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that we require from all Contractor's Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

Contractor's Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
3. maintain a safe working environment by:
 - a. ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
 - b. wearing required personal protective equipment;
 - c. using appropriate measures relating to chemical, physical and biological substances and agents; and
 - d. following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. Treat women, children (persons under the age of 18), and men with respect regardless of race, colour, language, religion, political or other opinion,

- national, ethnic or social origin, sexual orientation or gender identity, disability, birth or other status.
6. Not use language or behaviour towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
 7. Not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
 8. Not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
 9. Not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
 10. Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation, Abuse and Harassment (SEAH);
 11. Report violations of this Code of Conduct; and
 12. Not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

If any person observes behaviour that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly. This can be done in either of the following ways:

1. Contact [*enter name of the Contractor's Social Expert with relevant experience in handling gender-based violence, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters*] in writing at this address [] or by telephone at [] or in person at []; or
2. Call [*phone number*] to reach the Contractor's hotline (*if any*) and leave a message.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

There will be no retaliation against any person who raises a concern in good faith about any behavior prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

Any violation of this Code of Conduct by Contractor's Personnel may result in

serious consequences, up to and including termination and possible referral to legal authorities.

FOR CONTRACTOR'S PERSONNEL:

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact [*enter name of Contractor's contact person with relevant experience*] requesting an explanation.

Name of Contractor's Personnel: [insert name]

Signature:

Date: (day month year):

Countersignature of authorized representative of the Contractor:

Signature:

Date: (day month year):
