



**Government of Khyber Pakhtunkhwa  
Khyber Pakhtunkhwa Rural Accessibility Project (KPRAP)**

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**Labor Management Procedures (LMP)**

**March 2022**

**Peshawar  
Communication and Works Department  
Government of Khyber Pakhtunkhwa**

## **Executive Summary**

The Government of Khyber Pakhtunkhwa (GoKP), through the Communication and Works Department (CWD) intends to receive a loan from the World Bank (WB) for implementation of the proposed Khyber Pakhtunkhwa Rural Accessibility Project (KPRAP) (the Project). In compliance with the WB requirements, CWD has prepared this Labor Management Procedures (LMP) to describe the requirements with regard to labor and working conditions to be applicable to the proposed project. It aims to guide the management and control of activities that may pose labor-related risks during the project implementation. The LMP is a mandatory requirement applicable to all types of workers that will be employed by CWD as well as its consultants, contractors, sub-contractors and labor supply contracting agencies, third parties, and all personnel related to the execution of the project.

### **Project Overview**

The project development objective is to improve rural access to schools, health facilities, and markets through safe and climate resilient infrastructure in Khyber Pakhtunkhwa (KP). The Project components include: 1) Safe and climate resilient access that would include financing, upgradation and rehabilitation of selected rural roads in priority districts across the province, including the newly merged districts (NMDs); 2) Safe Girl' journey to school that will focus on five priority districts of KP, with the major enrolment and attendance gaps of girls; 3) Project management and institutional strengthening; and 4) Contingent Emergency Response.

### **Overview of Labor Use in the Project**

Implementation of the KPRAP will involve different categories of workers for different activities associated with the project. The WB Environment and Social Standard 2 (ESS2) classifies project workers into the following four groups: (i) direct workers, (ii) contracted workers, (iii) primary supply workers, and (iv) community workers. As per this classification and labor needs of this project, the first three groups of workers - contracted workers, primary supplier workers, and direct workers are applicable to this Project, though their respective numbers are not known at this stage. The project will not have community workers as defined under ESS2. CWD and its contractors will source goods or materials from primary suppliers required for the core functions of the project, particularly for activities under component 1.

### **Assessment of Key Potential Labor Risks**

The main labor risks associated with the KPRAP are assessed to be related to risks of accidents and incidents at the work place, potential child labor and forced labor, labor influx and associated community health and safety risks, including Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH) risks spread of communicable diseases (i.e. COVID-19) and the overall capacity of the implementing agency to manage and mitigate the environmental and social (E&S) risks and the high security risk context under which the Project is being implemented. In particular, the project poses various risks of injuries and accidents for workers while working on the upgrading and rehabilitation of roads and associated structures. The typical risks include exposure to the physical hazards of using or working near the construction equipment, hot works including working with or near bitumen, working near the running traffic, the risk of falling, risks associated with the operation of cranes and hoisting equipment, electric shock, burns, exposure to noise and

dust, falling objects, exposure to hazardous materials and exposure to electrical hazards related to the use of tools and machines as well as the prevalence of the incidence of respiratory diseases as a result of dust and emissions.

Labor related risks will be minimized by following the mitigation hierarchy which includes (i) hazard elimination; (ii) substitution of process, substance or tools; (iii) prevent contact with the risky object i.e., create barrier, install guards; (iv) implementation of safe system of work such as permit to work system, putting time limits on performing a hazardous activity; (v) use of appropriate personal protective equipment (PPE); and prevention of forced labor and child labor.

To ensure a safe and healthy workplace, CWD and its contractors will ensure that all the foreseeable health and safety hazards, which could harm their employees or other persons in the workplace are identified. The Project will ensure compliance with all applicable occupational health and safety (OHS) provisions. All contractors will be required to provide detailed information on their OHS programs as part of their offers.

### **Overview of Labor Legislation: Terms and Conditions**

There are a number of labor laws in Pakistan. These labor laws are broad and contain several ordinances, acts, rules and regulations and other statutes relating to industrial, commercial and labor establishments. The Constitution of Pakistan contains a range of provisions with regards to labor rights. Pakistan has a number of obligations under international law regarding labor rights. Many of these laws pertain to the implementation of the international labor conventions that Pakistan has ratified. The most relevant laws related to labor rights and welfare are listed below.

- Factories act, 1934
- Industrial Relation Act
- Workman Compensation Act 1923
- Minimum Wages ordinance, 1961
- Payment of Wages Act 1936
- Industrial & Commercial Employment Standing Orders ordinance 1968
- Maternity Benefit Ordinance 1958
- Apprenticeship Ordinance 1962
- Employees Old Age Benefit Act 1976
- Employments of Children Act 1991
- Bonded Labor Abolition Act 1992
- Workers Welfare fund Act 1971
- Minimum Wages (Unskilled Workers), (Amendment) 2015
- The Disabled Persons (Employment and Rehabilitation) Act 2015
- The Protection Against Harassment of Women at the Workplace Act, 2010
- Transgender Person Act 2018.

In 2010, subjects of labor and employment were devolved to provinces under the 18th Amendment

to the Constitution of Pakistan, as a result of which the federal labor laws became applicable to provinces under Article 270 AA (6) of the Constitution of Pakistan. Each province has developed its own labor policy to protect workers' rights. The Khyber Pakhtunkhwa (KP) Labor Policy of 2018 is relevant for the proposed project. This Policy incorporates the key thematic areas with primary focus on effective implementation of labor standards, improvements in workplace safety, living wages, child/ bonded labor, awareness raising, excellence in labor inspections regime.

In addition, Pakistan has also ratified International Labor Organization's (ILO's) labor conventions, including Forced Labour Convention, 1930 (Convention No. 29), Freedom of Association and Protection of the Right to Organise Convention, 1948 (Convention No. 87), Right to Organise and Collective Bargaining Convention, 1949 (Convention No. 98), Equal Remuneration Convention, 1951 (Convention No. 100), Abolition of Forced Labour Convention, 1957 (Convention No. 105), Discrimination (Employment and Occupation) Convention, 1958 (Convention No. 111), Minimum Age Convention, 1973 (Convention No. 138) Minimum age specified: 14 years, Worst Forms of Child Labour Convention, 1999 (Convention No. 182).

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

The protection against OHS risks to the workers is embodied in various international, national and provincial laws to promote and maintain the highest degree of physical, mental and social well-being of workers in their employment from risks resulting from factors adverse to health. The Government of Pakistan is obliged for the ratification, implementation and enforcement of all relevant conventions and recommendations of international conventions. The ILO has formulated more than forty regulations, particularly concerning with the OHS issues.

There was no independent legislation on OHS issues in Pakistan before 2017. The main law, which governs these issues, is the Chapter 3 of Factories Act, 1934. All the provinces, under this act, have devised Factories Rules. The OHS clauses are covered in the following laws.

- Factories Act 1934
- West Pakistan Hazardous Occupations Rules 1963
- West Pakistan Shops and Establishments Ordinance, 1969
- Pakistan Environmental Protection Act, 1997 (Hazardous Substance Rules, 2003)
- Pakistan Occupational Health and Safety Act, 2018

In 2018, Pakistan Occupational Health and Safety Act was promulgated to ensure safe and healthy working conditions for the people at work by authorizing enforcement of the rules and regulations developed under the Act. Under the Act, federal government established the Pakistan National OHS Council to approve the legislation, regulations, codes, standards and policies relevant to occupational health, safety and welfare. The Council has established the National OHS Directorate to exercise and take all necessary measures for the implementation of the national OHS policies approved by the Council and ensure enforcement of the National OHS Standards. The Sindh Labor Department has prepared a first-ever comprehensive OHS law, supported by the ILO in line with the Joint Action Plan for Promoting Workplace Safety and Health in Sindh. This was followed by the Punjab to promulgate the Punjab Occupational Health and Safety Act 2019.

The World Bank Group (WBG) has guidelines for Environment, Health and Safety (EHS) that serve as useful references for general issues as well as sector-specific activities. Projects financed

by the WBG are expected to comply with this guideline as required by the policies and the standards. The EHS guidelines are mainly on occupational health and safety, community health and safety as well as on construction and decommissioning.

### **Responsible Staff**

CWD through its Project Implementation Unit (PIU) has the overall responsibility for project management and to oversee all aspects of the implementation of the LMP, in particular to ensure contractor compliance. The E&S team in PIU will implement and monitor the implementation of this LMP. During the construction phase of the project, contractors must engage appropriate number of OHS Specialists and OHS inspectors at each work site. The contractor's OHS staff will be supervised by Design and Supervision Consultants (DSC) and PIU. Contractors will keep records in accordance with specifications set out in this LMP (and the project Environmental and Social Management Framework – ESMF, which is presented under separate cover). Contractors will be required to establish a workers' grievance redress mechanism which responds to the minimum requirements in this LMP. PIU will arrange training to address risks associated with labor influx and will provide a schedule for training required. To minimize community health and safety risks associated with project workers interactions with, all project workers will receive training on the prevention of SEA/SH, worker codes of conduct, as well as on gender and gender-based violence (GBV) in general.

### **Policies and Procedures**

PIU will ensure that policies and procedures defined in the relevant laws, policies and this LMP are followed during the implementation of the Project as well as in the event of accidents, communicable diseases and prevention of SEA/SH. These policies and procedures will be updated and modified, as and when necessary. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. CWD is committed to comply with legislations that relate to the occupational health and safety requirements as stipulated in the main laws governing OHS (most importantly, Pakistan Occupational Health and Safety Act, 2018 and Factories Act 1934). Child labor will be prohibited following the procedures of age verification. All project workers will undergo relevant seminars and training to prevent risks of labor influx or SEA/SH issues. The project shall comply with the national labor laws on gender equality in the work place, which will include provision of maternity leave and nursing breaks and sufficient and suitable toilet and washing facilities, separate for men and women workers. The PIU will report on the status of implementation of the above policies and procedures on a monthly basis. In the event of an occupational fatality or serious injury, the PIU shall report to the WB as soon as becoming aware of such incidents and inform the government authorities.

### **Age of Employment**

Article 11(3) of the Constitution of Pakistan prohibits employment of children below the age of 14 years in any factory or any other hazardous employment. This will be a requirement for all employees engaged by CWD and its consultants, contractors, subcontractors, and primary suppliers for the proposed project. This will require workers to provide official documentation, which could include a birth certificate, computerized national identity card (CNIC), passport, or medical or school record.

## **Terms and Conditions of Employment**

The employment terms and conditions applying to project employees as set out in the labor rules will apply to all project employees who are assigned to work on the Project (direct workers). Terms and conditions of part-time direct workers are determined by their individual contracts. CWD is committed to provide equal opportunities for all its employees and potential employees where everyone is treated with respect and dignity and where there is equal opportunity for all. The normal hours of work of Project workers shall not exceed 8 hours a day for 5 days or 40-hour work week, exclusive of time for meals. Every project worker is entitled to a 2-day rest period during weekends (Saturday and Sunday). Workers shall also be entitled to a rest day on regular holidays recognized by the State. Under Maternity Benefits Ordinance 1958, leave is allowed to pregnant women for a period of 12 weeks with full pay. It is unlawful for an employer to dismiss a women worker who is on maternity leave. The Provincial Governments constitute Minimum Wages Boards under Section (3) of Minimum Wages Ordinance, 1961 to decide the wage rates which are revised annually. The workers welfare legislation includes Employees Old Age Benefits Act 1976 (with provisions for old age pension, old age grant, invalidity and widow(er) pension). For contract termination, a notice of one month must be served before severing the employment relationship or payment of one month's wages in lieu of notice may be provided. The law also obliges the employer to provide the termination certificate in writing stating the reason behind it. Any injury, illness or accident sustained by the worker during the work period shall be conveyed to the nearest clinic or hospital by the hiring authority or its representative. Collective bargaining has also been called a fundamental right for the workers to be part of trade unions.

## **Grievance Redress Mechanism**

Pursuant to Article 46 of the Industrial Relations Ordinance (IRO) 2002, a worker may bring his or her grievance in respect of any right guaranteed or secured by or under any law. PIU will establish a GRM (or make provisions in the overall GRM) for the project workers to address labor or workplace-related concerns consistent with the applicable national and provincial laws and ESS2 before the Project Effectiveness. The workers' GRM will be based on the requirements of the WB's ESS2 – Labor and Working Conditions. The E&S Specialists of PIU will monitor the recording and settlement of grievances by workers and report to the PIU in its monthly progress reports. The process will be followed by the GRM focal point, the E&S specialists who will be responsible for the GRM of the Project. All concerned responsible staff shall hold regular meetings with the project workers to discuss any work-related issues and concerns. Every grievance raised by a worker will be documented with the actions undertaken by the PIU and contractors to address such grievance.

## **Contract Management**

PIU will ensure that the contractors, are legitimate and reliable entities and that they have procedures established for management of labor in compliance with this LMP. Contracts with contractors will include a provision on the obligation to comply with current legislation on OHS, labor and protection of workers at work sites. PIU will monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements.

## **Primary Supply Workers**

The construction work under the Project will require the involvement of primary supplies to

provide construction materials essential for carrying out the proposed works on rural roads. The PIU and the consultants will review and approve the purchase of primary supplies from the suppliers following such risk identification/assessment. PIU will oversee the procurements of goods and materials requirements under the construction works. Project Contractors will be responsible for procurement and supply of materials and equipment under the same conditions, and specifications on OHS aspects in their contracting agreements. When sourcing for primary suppliers, the project will require such suppliers to identify the risk of child labor/forced labor and serious safety risks. The PIU and the consultants will review and approve the purchase of primary supplies from the suppliers following such risk identification/assessment. Where appropriate, the Project will be required to include specific requirements on child labor/forced labor and work safety issues in all purchase orders and contracts with primary suppliers.

## List of Acronyms

CBA	Collective Bargaining Agent
C-ESMP	Contractor’s Environmental and Social Management Plan
CNIC	Computerized National Identity Card
CoC	Code of conduct
CWD	Communication and Works Department
DSC	Design and Supervision Consultants
E&S	Environmental and social
ECA	Employment of Child Act
EHS	Environment, Health and Safety
EOAB	Employees Old-Age Benefits
ESF	Environmental and Social Framework
ESHS	Environmental, Social, Health and Safety
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS2	Environmental and Social Standards 2
FS	feasibility study
GBV	gender-based violence
GoKP	Government of Khyber Pakhtunkhwa
GOP	Government of Pakistan
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HR	Human Resource
HSE	Health safety and environment
ILO	International Labor Organization
IRO	Industrial Relations Ordinance
KP	Khyber Pakhtunkhwa
KPRAP	Khyber Pakhtunkhwa Rural Accessibility Project
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
NEBOSH	National Examination Board in Occupational Safety and Health
O&M	Operation and maintenance
OHS	Occupational health and safety



OHSMP	OHS Management Plan
PD	Project Director
PIU	Project Implementation Unit
POM	Project Operations Manual
PPE	Personal protective equipment
SEA	Sexual Exploitation and Abuse
SH	Sexual harassment
SOP	Standard operating procedures
WB	World Bank
WBG	World Bank Group

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# 1. Introduction

The Government of Khyber Pakhtunkhwa (GoKP), through the Communication and Works Department (CWD), intends to receive a loan from the World Bank (WB) for implementation of the proposed Khyber Pakhtunkhwa Rural Accessibility Project (KPRAP) (the Project). In compliance with the WB requirements, CWD has prepared this Labor Management Procedures (LMP) to describe the requirements with regard to labor and working conditions applicable to the proposed project. It aims to guide the management and control of activities that may pose labor-related risks during the project implementation. The LMP is a mandatory requirement applicable to all types of workers that will be employed by CWD as well as its consultants, contractors, sub-contractors and labor supply contracting agencies, third parties, and all personnel related to the execution of the project.

## 1.1. LMP Objectives

The objectives of this LMP are to:

- Publicize labor policies as a frame of reference for the personnel who will participate in the Project;
- Guarantee compliance with labor regulations for all Project participants, whether they are direct workers or not, generating the appropriate working conditions in compliance with applicable regulations;
- Guide CWD staff who will participate in the Project in implementing Labor Management Procedures;
- Promote fair and equitable labor practices for the fair treatment, non-discrimination and equal opportunity of male and female workers;
- Establish, promote and manage a healthy management -worker relationship;
- Protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with the WB Environmental and Social Standard 2 -- ESS2<sup>1</sup>) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- Provide project workers with accessible means to raise workplace concerns.

The LMP has been developed by CWD to manage risks under the KPRAP funded by World Bank. The LMP sets out the project's approach consistent with national requirements as well as the objectives of the relevant World Bank's Environmental and Social Standards on Labor and Working Conditions (ESS2).

The LMP describes the main labor requirements and risks associated with the Project and would help CWD to determine the resources necessary to address labor issues. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the Project. Accordingly, this document lays out the type of workers likely to be engaged by the Project and how the workers will be managed. Key aspects of

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<sup>1</sup> World Bank. 2017. "World Bank Environmental and Social Framework." World Bank, Washington, DC

the LMP will be incorporated into contractual obligations of contractors and sub-contractors. All contractors and sub-contractors will be required to prepare and implement labor management plans consistent with the LMP.

CWD has prepared this document and its annexes based on the existing labor laws in Pakistan and its ratified international agreements, and in accordance with the guidelines of the ESS2 of the World Bank. Consequently, the scope and procedures of the LMP, and its annexes, constitute a special labor framework, compliance of which is mandatory for CWD as well its consultants, contractors, subcontractors, and suppliers. The LMP will be applicable to all types of workers that will be employed by CWD, contractors, sub-contractors and labor supply contracting agencies, third parties, and all personnel related to the execution of the project; and therefore, its use and knowledge is mandatory, as appropriate.

## **1.2. Scope of the LMP Application**

The LMP is required by the Environmental and Social Framework (ESF) of the World Bank, and its ESS2 on ‘Labor and Working Conditions.’ Its scope includes:

- Labor and contracts;
- Management of workers;
- Occupational Health and Safety; and
- Access of information and grievance mechanisms.

The primary objective of ESS2 is to promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the Project fairly while also providing them with safe and healthy working conditions.

Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the Project by identifying the main labor requirements and the environmental and social (E&S) measures necessary to address the project-related labor issues. The LMP also sets out general guidance relevant to different forms of labor but also issues and concerns specific to the KPRAP. The LMP is applicable to all workers as defined in ESS2 employed by the Project, regardless of their modality of hiring and the labor regime to which it belongs, as listed below.

- Direct Workers: People employed or engaged directly by the CWD to work specifically in relation to the Project;
- Contracted Workers: People employed or engaged through third parties to perform work related to core functions of the project, regardless of location;
- Primary Supply Workers. people employed or engaged by the CWD’s and its contractors’ primary suppliers.

## **1.3. Summary Description of the Project**

The Project Development Objective is to improve rural access to schools, health facilities, and markets through safe and climate resilient infrastructure in Khyber Pakhtunkhwa (KP). The project aims to improve all weather access to schools, healthcare facilities and markets in 18 priority districts of the KP province.

**Component 1: Safe and climate resilient access.** This component would include financing,

upgradation and rehabilitation of selected rural roads in priority districts across the province, including the newly merged districts (NMDs). It will ensure provision of climate resilient roads providing improved all-weather accessibility to basic services. A geo-spatial analysis was run on the long lists of roads<sup>2</sup> shared by the GoKP as the base, and determined which roads, if upgraded, would maximize access gains to schools, markets, and healthcare facilities<sup>3</sup> considering climate change risks. It will also provide financing for climate resilience ensuring all-weather accessibility to basic services and savings in the recurrent reconstruction costs. The upgraded roads<sup>4</sup> would maximize access gains to schools, markets, and healthcare facilities<sup>5</sup>. Road improvement under this component will also consider climate resilience measures, including but not limited to raising the embankments (if need be), provision of side drains, improvement of culverts, ditches, vegetation, bridges, enhanced slope protection, adopting design standards for pavements that reflects a higher level of climate resilience, a decision to seal previously gravel roads, and geometric improvement of roads to enhance road safety. Drainage design will take the effects of more frequent and increased precipitation. In addition, the component will include green techniques to mitigate effects of rainfall and high temperatures. This component will also improve infrastructure in the vicinity of education, health facilities and marketplaces to ensure safety of pedestrians and cyclists to and from these facilities. These improvements will include, but not limited to, provision of sidewalks, bike lanes (if need be), road markings, signage, traffic calming measures i.e., rumble strips, marking of reduced speed zones, delineators, and guard rails etc. This component will also provide basic fiberoptic infrastructure i.e. ducts and manholes alongside the project roads to improve internet connectivity. Under this component the Bank will also finance the designs, construction, supervision, COVID-19 health protocols, gender-based violence (GBV) action plans, emergency, and contingency plans to address natural disasters and auditing. The GoKP will be responsible for the utility relocation, compensations and other social costs.

**Component 2. Safe Girl’ journey to school.** The project activities for this component will focus on 5 priority districts of KP, with the major enrolment and attendance gaps of girls. The specific short list of schools and beneficiary girls (primary, middle and high schools) will be selected by the Department of Education of the GoKP in the first year of the project implementation during the rehabilitation of roads. In the second year the component will be fully implemented in the 5 districts and the results will be assessed from the beginning of the third year of project implementation. This component will integrate road access (financed by Component 1) and improvement of school transport services to improve access to schools for girls in 5 priority districts.

**Component 3: Project management and institutional strengthening.** This component will cover two subcomponents: a) Project Management covering administrative and operational arrangements related to implementation and monitoring of Component 1 and 2, technical assistance (TA), the core staff of the project implementation unit (PIU), auditing, capacity building for the PIU staff, education department and implementation and monitoring of the environmental

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<sup>2</sup> A list of 87 roads with a total length of approximately 1,600 km has been prepared by the GoKP.

<sup>3</sup> Health care incorporates primary/secondary/ tertiary facilities. “Markets” refers to all markets, however access to central markets and the provincial capital, Peshawar, are also available separately.

<sup>4</sup> A list of 76 roads with a total length of approximately 1,200 km has been prepared by the GoKP.

<sup>5</sup> Health care incorporates primary/secondary/ tertiary facilities. “Markets” refers to all markets, however access to central markets and the provincial capital, Peshawar, are also available separately.

and social safeguards standards (E&S); and b) Institutional Strengthening Program covering a comprehensive road sector reforms to improve policies for road sustainability, road funding, financing and the capacity of CWD to select, prepare, allocate efficient resources, procure and manage road works contracts including emergency works<sup>6</sup>.

**Component 4. Contingent Emergency Response.** This is a zero-dollar component that can be triggered in future crises, considering the vulnerability of KP.

## **1.4. Structure of the Document**

An overview of labor use in the project is presented in Chapter 2. Key potential labor risks are listed in Chapter 3. Legislative Framework governing labor employment and health and safety issues in Pakistan and a gap analysis with that of the World Bank's ESS 2 is discussed in Chapters 4 and 5. Implementation Arrangements, Age Requirement, and Policies and Procedures are discussed in Chapters 6, 7 and 8. Terms and Conditions of Employment and Grievance Redress Mechanism are presented in Chapters 9 and 10. Finally, Contractor Management and Primary Supply Workers are discussed in Chapters 11 and 12, respectively.

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<sup>6</sup> In event of floods, landslides, earthquakes and other natural disasters etc.



## 2. Overview of Labor Use in the Project

Implementation of the KPRAP will involve different categories of workers for different activities associated with the project. ESS2 classifies project workers into the following four groups: (i) direct workers, (ii) contracted workers, (iii) primary supply workers, and (iv) community laborers. As per this classification and labor needs of this project, the first three groups of workers namely, contracted workers, primary supplier workers, and direct workers are applicable to this Project.

The LMP applies to all types of project workers to be engaged by the Project whether full-time, part-time, temporary, seasonal, or migrant workers. The LMP is applicable, as per ESS2, to the Project in the following manner: (i) people employed or engaged directly by CWD to work specifically for KPRAP; (ii) people employed or engaged by CWD's consultants and contractors to perform works related to the core function of the project, regardless of location; (iii) people employed or engaged by CWD's primary suppliers (where ESS2 provisions apply to primary suppliers with whom the project has a significant and ongoing relationship) as well as any community workers.

### 2.1. Labor Requirement

ESS 2 categorizes the workers into: direct workers, contracted workers, community workers and primary supply workers and this includes all Project workers. For this Project the community workers are not anticipated. The types of workers are further described into the following categories.

**Direct workers**<sup>7</sup>. The Project's direct workers are those employed directly by CWD to work specifically in relation to the Project. Direct workers will include the project-based staff and the permanent staff of the PIU for implementing a wide range of the project activities. The PIU will be led by the Project Director (PD) and will include several senior and junior engineers with qualification in civil and road engineering. In addition, PIU will have specialists for financial management, procurement management, and environmental and social management. CWD may also employ consultants and support staff who will be working on contractual bases as part of the PIU. Terms and conditions of these consultants will be guided by the national and provincial labor laws. The consultants may be engaged by the Project to undertake short term assignments as necessary. The occupational health and safety requirements provided in this LMP will also apply to any civil servants who will be seconded to support the project implementation.

The PIU will be tasked with:

- Overall project responsibilities for project management, financial management, procurement, monitoring and evaluation and E&S management;
- Technical responsibilities to support departments involved in project implementation; and

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<sup>7</sup> A "direct worker" is a worker with whom the project has a directly contracted employment relationship and specific control over the work, working conditions, and treatment of the project worker. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project.

- Support services (office manager, assistants, driver, others).

PIU staff will be transferred from within CWD, hired or seconded for the implementation of this Project including technical and non-technical staff.

**Contracted Workers.** CWD will engage various contractors and consultants for carrying out preparation of documents and implementation of different civil works under the Project. KPRAP's contracted workers may include the consultants preparing the project's feasibility study and detail design; consultant for preparation of Environmental and Social Impact Assessment (ESIA) and Environmental and Social Management Plan (ESMP), Design and Supervision Consultants (DSC), construction contractors and subcontractors and their workers. Civil work contractors and workers will include skilled and non-skilled workers. The different categories of anticipated contracted workers are described below.

**Skilled permanent staff of the contractors (construction company):** The permanent technical staff of the contractors will be engaged in the Project, including project managers, site engineers, construction foreman, supervisors, environmental social health and safety (ESHS) officers, administrative and finance officers for the project/subprojects.

**Skilled workers engaged by sub-contractors:** Depending on the requirements of expertise for each type of project activities, contractors will mobilize their relevant workers and subcontractors to meet Project requirements. The skilled workers may include welders, fitters, steel workers, electricians, technicians, drivers, and operators of heavy machines. The workers will be expected to have expertise relevant to the required works (e.g., road construction). The skilled workers may include both local and migrant workers.

**Unskilled community members engaged by the contractor/subcontractors:** To reduce large number of migrant workers at sites, the works will be designed to maximize the employment generation through engaging local labors as unskilled workers especially in simple works such as construction of ancillary works, excavation/leveling, loading/unloading materials, supporting for builders, site cleaners, watering working sites and watchmen. To ensure equal opportunities in employment, the contractor will be contractually required to coordinate with CWD/PIU to prioritize the affected communities and vulnerable groups, including female workers and labors with disabilities at their desire.

**Project Management and Supervision Support:** CWD will hire DSC as described above, with the relevant experience, for: supporting the PIU in procurement of the contractor(s), preparing design, project management, construction supervision, and contract management. DSC will also support PIU in monitoring the environmental and social performance of the contractor(s), as stipulated in contractor's Environmental and Social Management Plans; occupational health and safety measures; and contractor's work.

**Independent Monitoring Consultants (or Monitoring and Evaluation (M&E) Consultants):** Independent Monitoring Consultants may be engaged by PIU. Independent monitoring consultants are responsible to ensure compliance with approved plans and programs related to the project including the environmental and social issues. The independent monitoring consultants may be engaged at the beginning of the implementation period and will complete their works from six months to one year after all project activities have been satisfactorily completed.

**Community Workers:** The project will not have community workers as defined under ESS2.

**Primary Supply Workers:** A variety of skilled and unskilled workers will be engaged by the primary suppliers for the project.

## **2.2. Number of Project Workers**

**Direct Workers.** The estimated number of direct workers is not yet defined, but there are likely to be 12-15 people employed by PIU. The staff of the PIU as described in **Section 2.1** will comprise, among others, PD, several senior and junior engineers, procurement, financial management personnel, and E&S specialists. Direct workers will carry out key functions such as project management, coordination, fiduciary, environmental and social management, monitoring and evaluation, and reporting.

**Contracted Workers.** The precise number of Project workers to be employed on a contract basis is not known as of now. This will become known as and when implementation begins.

**Construction Works Contractors and Workers.** The number of workers expected to be engaged for the construction works of the project is not known at this stage.

## **2.3. Workforce Characteristics**

Given the nature of the project workforce (mostly unskilled and semiskilled construction labor) and characteristics of the labor force market in Pakistan, it is likely the workforce, especially the lower-skilled workers, will be predominantly male. Female un-skilled workers are not expected in the Project. The expectation is that the majority of labor will be locally hired with the exception of a few skilled workers. Provisions will be made to train and hire as many workers as possible from the locally available workforce.

## **2.4. Timing of Labor Requirements**

**Direct Workers:** The direct workers will generally be required full time and around the year during the project implementation. Construction season typically is throughout the year but can be somewhat longer or shorter depending on weather conditions particularly in the hilly areas of the province. It will be up to the contractor to mobilize labor force to coincide with the type of work and the season.

The direct workers at PIU will generally be required on a full-time basis and around the year for the project duration. Other experts/consultants will be hired on demand basis throughout the project duration. Timing for involvement of contracted workers will be known at later stages, however it is clear that they will be engaged depending on implementation of various sub-components for specific time slots.

**Contracted Worker:** Based on the scope of works involved in the Project, the PIU will employ contractors who will hire contracted workers based on their level of skills and sub-project needs. Details of the timing of the number of labor requirement, frequency, types of job and time of the requirement will be determined at a later stage when the construction contracts are awarded and the contractors prepare their work plans and this LMP may need to be revised at that stage. Similarly, it will also be incorporated in the contractor's LMP which will be prepared as the requirement of Contractor's Environmental and Social Management Plan (C-ESMP). The work hours should not exceed 8 hours a day, with the provision of at least 1 hour for the rest.

**Primary Supply Workers:** The project may require the use of primary supply workers. The

primary supply worker provisions of ESS2 apply to those suppliers with whom the project will have a sufficiently significant and ongoing relationship.

### **3. Assessment of Key Potential Labor Risks**

This Chapter describes the main risks to the workers and other project personnel caused by the project activities.

#### **3.1. Main Risks Related to the Work Force**

The main labor risks associated with the project are assessed to be related to risk of accidents and incidents at the work place, child labor and forced labor, labor influx and associated community health and safety risks, including Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH) risks, and communicable diseases and the overall capacity of the implementing agency to manage and mitigate the E&S risks and the high security risk context under which the Project is being implemented.

#### **3.2. Occupational Health and Safety Risks**

The health and safety risks which could impact the project staff including PIU, consultants and construction workers are primarily associated with the construction and operation activities of the project. In particular the various risks of injuries and accidents for workers are related to the road construction/upgrading/rehabilitation and associated activities. The typical risks include exposure to the physical hazards of using the construction equipment, working near the running traffic, operation of cranes and hoisting equipment, working on and near scaffolding, tripping and falling, handling bitumen, burns, exposure to noise and dust, falling objects, traffic hazards associated with the operation of project-related vehicles, exposure to hazardous materials and exposure to electrical hazards related to the use of tools and machines as well as the prevalence of the incidence of respiratory diseases as a result of dust and emissions.

It is very important to identify hazards, and then manage identified risks to offset workers health and safety risks. It is also anticipated that such a proactive approach to risk management will result in massive cost savings, and a reduction in compensation claims as well as noncompliance with health and safety legislation.

Labor related risks will be minimized by following the mitigation hierarchy which included (i) hazard elimination (ii) substitution of process, substance, or tools, (iii) prevent contact with the risky object i.e., create barrier, install guards, (iv) implementation of safe system of work such as permit to work system, putting time limits on performing a hazardous activity, and (v) use of appropriate personal protective equipment (PPE).

To ensure a safe and healthy workplace, PIU as well as its consultants and contractors will take reasonable care to identify all the foreseeable health and safety hazards, which could harm their employees or other persons in the workplace. Hazards may arise from the work process, the equipment and materials in use, the work environment, or other people involved. For example, working at or near heavy construction machinery, working near the fast-moving traffic and working on hot bitumen are potentially hazardous activities posing substantial risks of death or serious injury.

The Project will ensure compliance with occupational health and safety provisions. All contractors will be required to provide detailed information on their occupational health and safety management plan as part of their offers. The relevance of these safety provisions will be part of the criteria used by the PIU to select the contractors. All contractors will be required to ensure

workers will use safety gear (personal protective equipment or PPE), receive safety training and other preventive actions as provided in the WB OHS Guidelines and environment as per requirements of ESS2. Safety is the responsibility of both the employer and employee. Together they must develop and implement safe work practices and procedures and an OHS Program.

The key OHS risks associated with the project activities are summarized in the following table.

**Table 1: Key Potential Occupational Hazards/Risks and Control Measures**

Activity	Hazards/Risks Involved	Prevention/Control Measures
<ul style="list-style-type: none"> <li>• Road construction</li> </ul>	<ul style="list-style-type: none"> <li>• Physical injury caused by moving machinery</li> <li>• Burns caused by coming in contact with hot bitumen</li> <li>• Injury caused by moving traffic</li> <li>• Slip, trip and fall</li> <li>• Machinery left unattended while leaving the engine turned on</li> </ul>	<ul style="list-style-type: none"> <li>• Carrying out a detailed risk assessment of the project to determine the OHS risks associated with each activity under the project</li> <li>• Preparation and implementation of OHS Management plan, based upon the risk assessment described above</li> <li>• Preparation and implementation of standard operating procedures</li> <li>• Regular training to the workers</li> <li>• Tool box talks on a daily basis</li> <li>• Preparation of Job Hazard Analysis and Method Statement covering PHS aspects</li> </ul>
<ul style="list-style-type: none"> <li>• Unskilled, persons starting the job or unauthorized person/s entering the work area</li> </ul>	<ul style="list-style-type: none"> <li>• Relevant to all activities. Hazards relating to unskilled persons include all hazards identified in this table. Potential that incompetent personnel may be allowed to do a high-risk activity potentially resulting in harm to themselves or others.</li> </ul>	<ul style="list-style-type: none"> <li>• Hire only competent, experienced and physically fit personnel</li> <li>• Ensure that all personnel prior to starting work have completed the induction training and orientation focusing on the hazards associated with the job site and the work to be carried out as per the induction process.</li> <li>• All Standard Operating Procedures (SOPs) shall include training and competency requirements.</li> <li>• A Toolbox Talk shall be completed before commencement of work on a daily basis.</li> <li>• Only people who have signed on to the risk assessment will be permitted in the work area.</li> <li>• All access to areas where work is to take place is to be controlled and only permitted following approval from a responsible employee/contractor.</li> </ul>
<ul style="list-style-type: none"> <li>• Shifting of material at work sites</li> </ul>	<ul style="list-style-type: none"> <li>• Slip, trip and fall</li> <li>• Ergonomic injuries</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a safe access to the working site</li> <li>• Avoid bad weather, only work in day light, when no high temperature, no rain.</li> <li>• Keep a radio and alternate means of communication – mobile phone</li> <li>• Select the least hazardous route</li> <li>• Use anti slip shoes and hard hat with chin strap</li> </ul>
<ul style="list-style-type: none"> <li>• Workshop Activities</li> </ul>	<ul style="list-style-type: none"> <li>• Machinery left unattended while</li> </ul>	<ul style="list-style-type: none"> <li>• Never leave the machinery with turned on engine unattended</li> </ul>

Activity	Hazards/Risks Involved	Prevention/Control Measures
	leaving the engine turned on <ul style="list-style-type: none"> <li>• Fire and Explosion</li> </ul>	<ul style="list-style-type: none"> <li>• Combustible material shall be stored away from ignition source.</li> <li>• The material storage area should be (i) remote from entry and exit points into buildings (ii) away from facility ventilation intakes or vents (iii) have natural or passive floor and ceiling level ventilation and explosion venting or use spark-proof fixtures.</li> <li>• Firefighting equipment shall be made available for catering fire emergency.</li> <li>• Fire response training for workers will be provided.</li> <li>• Routine, periodic inspections to be carried out to identify fire hazards and confirm controls are in place.</li> </ul>
<ul style="list-style-type: none"> <li>• Mobile Equipment Operation</li> </ul>	<ul style="list-style-type: none"> <li>• During mobilization and operation of equipment and materials injuries can happen when personnel come into contact with vehicles or equipment.</li> </ul>	<ul style="list-style-type: none"> <li>• Training and competency required to operate the mobile equipment to be used and for working around mobile equipment to be used.</li> <li>• All plant including infrastructure and mobile equipment must have a routine preventative maintenance inspection program based on the original equipment manufacturers recommendations and site standards.</li> <li>• Prestart inspection requirements.</li> <li>• Safe operation of mobile equipment protocols including but not limited to maintaining a safe distance from other vehicles/equipment/people, communication protocols to reduce the risk of collision, conditions for approaching the mobile equipment safely, use of horn signals, signal/flagmen protocols, safe park up, breakdown or emergency protocols, towing, and recovery.</li> <li>• Guards should be designed and installed in conformance with appropriate machine safety standards.</li> <li>• All non-essential workers &amp; unauthorized persons shall remain outside of the equipment's swing radius and the working zone.</li> <li>• Installation of hazard lights and reverse alarms in all vehicles and heavy equipment.</li> <li>• Maintenance record to be maintained by drivers/operators.</li> </ul>
<ul style="list-style-type: none"> <li>• Other Activities</li> </ul>	<ul style="list-style-type: none"> <li>• Working under Adverse Weather Conditions</li> <li>• Risks associated with operation of vehicles (eg, accidents)</li> </ul>	<ul style="list-style-type: none"> <li>• The erection or maintenance work shall not be carried out during high wind, thunderstorms or un-favorable weather condition, which would make the work hazardous, except during emergency restoration procedures where utmost precautions, shall be taken to avoid any accidents.</li> <li>• Only licensed drivers will be employed for the project</li> <li>• The vehicles will be maintained in a good operating condition fitted with all safety equipment (eg, safety belts)</li> <li>• Project drivers will be trained on safe driving practices.</li> </ul>

Activity	Hazards/Risks Involved	Prevention/Control Measures
	<ul style="list-style-type: none"> <li>• Improper use of PPE (Personal Protective Equipment)</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate PPEs will be worn at all times.</li> <li>• To satisfy PPE standards, each worker shall wear proper construction attire to reduce or at least prevent and protect them against the safety risks during the construction.</li> <li>• PPE must be in good condition. If it is damaged, it must be replaced with the new one.</li> <li>• PPE should be a good fit for each individual and be worn properly.</li> <li>• PPE should only be purchased from a reputable supplier.</li> </ul>
	<ul style="list-style-type: none"> <li>• Poor Housekeeping/ Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Employee facilities need to be adequate, clean and well maintained. Lockers may be necessary for storing employees' personal belongings. Washroom facilities require cleaning once or more each shift. They also need to have a good supply of soap, towels plus disinfectants, if needed.</li> <li>• Smoking, eating or drinking in the work area should be prohibited where hazardous products are handled. The eating area should be separate from the work area and should be cleaned properly each shift.</li> <li>• Poor floor conditions are a leading cause of incidents so cleaning up spilled oil and other liquids at once is important. Keeping floors in good order also means replacing any worn, ripped, or damaged flooring that poses a tripping hazard.</li> <li>• Aisles should be wide enough to accommodate people and vehicles comfortably and safely. Keeping aisles and stairways clear is important. They should not be used for temporary "overflow" or "bottleneck" storage. Stairways and aisles also require adequate lighting.</li> <li>• The best way to control spills is to stop them before they happen. Regularly cleaning and maintaining machines and equipment is one way. Another is to use drip pans and guards where possible spills might occur. When spills do occur, it is important to clean them up immediately. Absorbent materials are useful for wiping up greasy, oily or other liquid spills. Used absorbents must be disposed of properly and safely.</li> <li>• Workers should regularly inspect, clean and repair all tools and take any damaged or worn tools out of service.</li> <li>• Place scrap containers near where the waste is produced encourages orderly waste disposal and makes collection easier. All waste receptacles should be clearly labelled (e.g., recyclable glass, plastic, scrap metal, etc.).</li> <li>• Stored materials should not obstruct aisles, stairs, exits, fire equipment, emergency eyewash fountains, emergency showers, or first aid stations. All storage areas should be clearly marked.</li> </ul>



Activity	Hazards/Risks Involved	Prevention/Control Measures
		<ul style="list-style-type: none"> <li>• Replace or fix broken or damaged items as quickly as possible.</li> <li>• Flammable, combustible, toxic and other hazardous materials should be stored in approved containers in designated areas that are appropriate for the different hazards that they pose. Storage of materials should meet all requirements specified in the fire codes and the regulations of environmental and occupational health and safety agencies in your jurisdiction.</li> </ul>
	<ul style="list-style-type: none"> <li>• Covid-19 Considerations</li> </ul>	<ul style="list-style-type: none"> <li>• Work tasks will be rearranged or numbers of workers on the worksite will be reduced to allow social/physical distancing, or rotating workers through a 24-hour schedule.</li> <li>• Orientation training will be provided to all workers on the preventive measure to avoid spread of COVID-19.</li> <li>• Enhanced cleaning arrangements, including thorough cleaning (using adequate disinfectant) of catering facilities/ canteens/ food/drink facilities/toilets/showers, common areas including door handles, floors and all surfaces that are touched regularly, will be put in place.</li> <li>• Communication strategy/plan to support regular communication, accessible updates and clear messaging to workers, regarding, the latest facts and statistics, and applicable procedure.</li> </ul>

### 3.3. Child Labor

When construction activities involve hazardous work, people under the age of 18 will not be employed on the project, except possibly in offices or jobs other than construction. To confirm that workers below the age of 18 years are not hired to work on the project, workers will need to provide legally recognized documents such as Computerized National Identity Card (CNIC) to verify age. However, if other labor-related risks arise during project implementation, the PIU will develop procedures to prevent other impacts. This will include awareness raising sessions which will be conducted regularly to the communities to sensitize on prohibition and negative impacts of child and forced Labor.

The above social impact is assessed to be low as: (i) local labor will be prioritized to use for construction activities, at the same time measures to control the age of hired workers will be taken; (ii) the contractor/subcontractors shall not hire child labor for the project-related jobs as commitment not to use child labor is one of the required conditions in the bidding documents; (iii) workers will be trained on labor safety, traffic safety, sanitation before starting any civil works; (iv) PIU staff in charge of contractor supervision will monitor and report the absence of forced labor.

### 3.4. Labor Influx

The focus of the Project will be to localize the economic benefits with limited opportunities for outside workers to service work that require specialized/skilled labor that is not present in project

localities. Large-scale labor influx is not expected due to the availability of local labor supply in the province and scale of works anticipated under the Project. Except for a limited number of managers, supervisors and skilled workers, majority of workers may be sourced locally or from nearby districts within the province. The priority for local labor (dependent on skill, experience capacity) is expected to minimize the risk of labor influx, where there is a requirement for special skills. Specific requirements to manage risks associated with labor influx, related to the interaction between project workers and local communities will be managed through contractual requirements, code of conduct (see **Annex 1** for a template) and training set out in this document.

### **3.5. Labor Disputes over Terms and Conditions of Employment**

Labor disputes in a new construction environment are inevitable. Likely causes for labor disputes include demand for limited employment opportunities; labor wage rates and delays of payment; disagreement over working conditions; and health and safety concerns in work environment. In addition, employers such as contractors/subcontractors may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, or any grievances raised, and such situations could lead to labor unrest. However, implementing the project policy on sound labor treatment in accordance with ESS2, project contractors/subcontractors will be required to provide their labor with information on the employment, while negotiating to reach a consensus on terms and conditions of employment with the laborers before signing labor contract for implementation. Monitoring the compliance with implementation of the terms of work conditions that have been signed labor contract of both sides and implementing the grievance redress mechanism (GRM) for laborers will be the effective mitigation measures to address the labor disputes during the project implementation.

### **3.6. Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH)**

Although, the influx of workers will be minimal as discussed earlier, new workers (outside of their social spheres) may form close social relationships with local communities. This can lead to unacceptable and / or illegal behavior, ranging from unwanted aggressive advances, SEA/SH against women and children but the chances are low based on the assessment done using the SEA/SH Risk Assessment Tool. All contractors will be required to have a written contract with their workers materially consistent with objective of ESS2, following procedures as specified in the World Bank's Procurement Regulations. The workers will be required to sign a Code of Conduct (CoC) prepared by the Contractors and reviewed and approved by PIU.

### **3.7. Summary of Labor Risks and Impacts**

**Table 2** presents a summary of the potential risks and impacts related to labor and working conditions, together with mitigation measures to avoid, eliminate or reduce associated impacts.

**Table 2: Risks and Impact Mitigation**

Category	Worker Impacts/Risks	Project Impacts/Risks	Mitigation Measures	Responsibility
Recruitment and selection of Workers	Perception of unfair recruitment and selection practices.	Community tensions –stop work practices that affect implementation.	Human Resources policy including at least: <ul style="list-style-type: none"> <li>• Selection criteria of each position</li> <li>• Equal opportunities for men, women and transgender</li> <li>• Method and place of recruitment</li> <li>• Maximize work opportunities for local citizens</li> <li>• Enhance local employees’ skills base through training</li> </ul>	CWD, contractors and consultants
Conditions of employment (earnings/benefits).	Perceptions that Wages/salaries and benefits are less for locals relative to outsiders.	Work stoppages/ protest, absenteeism, sit-ins, sabotage.	CWD’s policy needs to follow: <ul style="list-style-type: none"> <li>• Contract arrangements and content</li> <li>• Equal pay for equal work</li> <li>• Process for pay increases</li> <li>• Pay scales and increments as well as other benefits.</li> </ul>	CWD, contractors and consultants
Labor relations (Conflict Handling)	Workers feel aggrieved and don’t know how to vent their grievances.	Workers embark on various forms of actions. Workers take matters into their own hands, which results in conflict that affects workplace harmony.	CWD’s policy needs to include the following: <ul style="list-style-type: none"> <li>• Effective grievance redress process which should be gender sensitive</li> <li>• Disciplinary procedure</li> <li>• Workplace rules and regulations</li> <li>• Demobilization procedure</li> <li>• Effective Information dissemination to workers</li> </ul>	CWD, contractors and consultants
Labor communication mechanisms.	• Workers are not informed about	• CWD’s action due to rumors	• Effective communication mechanisms including:	CWD, contractors and consultants

Category	Worker Impacts/Risks	Project Impacts/Risks	Mitigation Measures	Responsibility
	<p>activities/ or events that affect them</p> <ul style="list-style-type: none"> <li>Workers are unable to communicate collective issues that bother them</li> <li>Rumors/ misinformation spreads</li> </ul>	<p>or incorrect perceptions</p> <ul style="list-style-type: none"> <li>Poor morale and unproductive workforce</li> </ul>	<ul style="list-style-type: none"> <li>Regular written communication for all workers about the project operations/activities</li> <li>Worker committees/organization/unions                             <ul style="list-style-type: none"> <li>Use of notice boards/toolbox</li> </ul> </li> </ul>	
Child Labor	Recruitment of individuals who, by virtue of age, would be exposed to hazardous situations and be subject to impaired social development	Increased health and safety risk to workforce, potential non-compliance with national labor laws, and reputational risk to the project.	<ul style="list-style-type: none"> <li>Human Resources and contracting policies that cover recruitment and selection processes that specifically address issues associated with child labor.</li> </ul>	CWD, contractors and consultants
Employment conditions - wages and benefits	Perceptions that wages, salaries and benefits are not fair according to market.	Worker's action - work stoppages, absenteeism, sit-ins, sabotage	<ul style="list-style-type: none"> <li>Human Resources policy with respect to equal pay for equal work according to local conditions and industry averages</li> <li>An effective employee complaints/grievance process</li> </ul>	CWD, contractors and consultants
Workers' relations/ interaction with community	<ul style="list-style-type: none"> <li>Disturbing the nearby communities due to the workers' routine activities such as recreation, and travelling etc.</li> <li>Communities are negatively impacted by some camp activities as</li> </ul>	All negative actions on community may cause hindrance in the project construction/operation as well as other project related activities, such as road blockage, community sit-ins resulting prevention of	<ul style="list-style-type: none"> <li>Implement the control measures to avoid/and or minimize the impacts of camp and living conditions of workers on communities. Control measures include:                             <ul style="list-style-type: none"> <li>Encourage to recruit local labor/staff</li> <li>Limited interaction of outsiders/foreign workers with the</li> </ul> </li> </ul>	CWD, contractors and consultants

Category	Worker Impacts/Risks	Project Impacts/Risks	Mitigation Measures	Responsibility
	well (i.e., lighting, traffic movement).	workers, contractors & suppliers from entering the Project/ worksite.	<p>local/nearby community of the camp</p> <ul style="list-style-type: none"> <li>• Provide cultural sensitivity awareness training to facilitate appropriate actions interaction with communities</li> <li>• Limited movement of workers during the peak working hours of community.</li> </ul>	
SEA/SH aspects	<ul style="list-style-type: none"> <li>• SEA/SH risks for the communities as well as for the workers</li> </ul>	-	<ul style="list-style-type: none"> <li>• The routes/places used by the women will be avoided as far as possible. If unavoidable, alternate routes will be identified for the communities, if required, especially along routes frequented by women folk, such as route to the local well or water source.</li> <li>• Camp sites for construction will be 500 m away from the nearest community.</li> <li>• Construction crew will avoid in entering villages and settlements.</li> <li>• Communities will be informed and consulted before commencing works inside or near the communities.</li> <li>• Strict code of conduct will be maintained by the construction crew. Local norms will be respected.</li> <li>• Project staff will receive training on the prevention of SEA/SH.</li> <li>• Provision related to SEA/SH will be</li> </ul>	CWD, contractors and consultants

Category	Worker Impacts/Risks	Project Impacts/Risks	Mitigation Measures	Responsibility
			<p>incorporated in the bidding document,</p> <ul style="list-style-type: none"> <li>Workers will be required to sign Code of Conducts (CoC) prepared by the Contractors and reviewed and approved by PIU,</li> <li>Identification and mapping of the service providers.</li> </ul>	
Worker Accommodation /camp Specifications.	Accommodation is considered sub-standard which leads to discontent amongst the residents and concerns about perceived health risks	Workers have low morale Perception that project is unable to care about their welfare, which in turn affects motivation and productivity	<p>Build camps to the minimum camp specifications. The following plans will be applied as necessary:</p> <ul style="list-style-type: none"> <li>Minimum Health Requirements</li> <li>Minimum Camp Specifications for</li> <li>Operations Accommodation</li> <li>Emergency Response Plan</li> <li>Security Management Plan.</li> </ul>	Contractors
Camp management practices	<p>Residents do not live-in harmony and the potential for conflict rises.</p> <p>Residents do not know how to complain or make a grievance</p>		<ul style="list-style-type: none"> <li>Implement an induction program to be attended by all residents that covers at least the following: <ul style="list-style-type: none"> <li>Camp rules and regulations</li> <li>Code of conduct</li> <li>Camp grievance mechanism</li> <li>Camp disciplinary procedure</li> <li>Cultural awareness</li> <li>Health, safety and security.</li> <li>First aid kits are adequately stocked</li> </ul> </li> </ul>	Contractors

Category	Worker Impacts/Risks	Project Impacts/Risks	Mitigation Measures	Responsibility
House-keeping	The general appearance of the camp deteriorates making camp life unpleasant	The overall camp experience is compromised which in turn leaves workers demoralized and unproductive	<ul style="list-style-type: none"> <li>• Ensure that camp grounds and common areas are routinely cleaned and organized with appropriate signage in place.</li> <li>• Establish easily accessible, designated smoking areas which are clearly highlighted and regularly cleaned.</li> <li>• Ensure that equipment and facilities are kept clean and well maintained.</li> </ul>	Contractors

## **4. Overview of Labor Legislation**

This Chapter presents an overview of the labor legislation in the Country relevant to KPRAP. Also discussed in the Chapter is the WB requirements related to workers and the working conditions.

### **4.1. Overview**

There are a number of labor laws in Pakistan and most of the labor legislations are based on the inherited legal framework of Britain. Many of the legislations were derived from colonial acts and amendments, which were enacted from 1850 to 1947 and still exist as a part of the country's labor legislation which have been enacted either at the Federal or the Provincial level. These Labor laws are broad and contain several ordinances, acts, rules and regulations and other statutes relating to industrial, commercial and labor establishments. These laws compliment in smooth running of the business with regard to matters relating to employers and employees in order to achieve the target of higher productivity, reasonable profits, better wages and reduction in unjust practices or discrimination. Many of these laws pertain to the implementation of the international labor conventions that Pakistan has ratified.

### **4.2. Labor Rights in the Constitution of Pakistan (1973)**

The Constitution of Pakistan 1973 provides a framework of rights for labor force and contains provisions for the economic and social well-being of the people and for the promotion of social justice. The Constitution of Pakistan contains a range of provisions with regards to labor rights found in Part II: Fundamental Rights and Principles of Policy. Fundamental rights, such as security of livelihood, prohibition of bonded labor, eradication of slavery, and the right of association, have been incorporated in the constitution in Part II. Thus, the constitution affirms the progress of labor legislation, which is conducive to change and to benefit the working class in the following articles.

- Article 11 of the Constitution prohibits all forms of slavery, forced labor and child labor;
- Article 17 provides for a fundamental right to exercise the freedom of association and the right to form unions;
- Article 18 proscribes the right of its citizens to enter upon any lawful profession or occupation and to conduct any lawful trade or business;
- Article 25 lays down the right to equality before the law and prohibition of discrimination on the grounds of sex alone.
- Article 37(e) makes provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment.

### **4.3. International Labor Standards Applicable in Pakistan**

Pakistan has a number of obligations under international law regarding labor rights. It is a signatory to the Universal Declaration of Human Rights 1948 which provides the right to work; to free choice of employment in just and favorable conditions of work, and to protection against unemployment. It also includes the right to equal pay for equal work; the right to just and favorable remuneration ensuring an existence worthy of human dignity; and the right to form and join trade unions.

The International Covenant on Economic, Social and Cultural Rights 1966 under Articles 6–8



further articulates these rights by placing positive obligations on the State to protect the right to work as well as working towards fully realizing the right through provision of fair wages with equal pay for equal work which is sufficient to provide a decent living for themselves and their family; the requirement for safe and healthy working conditions; equal opportunity for promotions; rest, leisure, holidays, limited working hours, etc. It also recognizes the right to join and form trade unions and all acts ancillary to it. The International Covenant on Civil and Political Rights 1966 protects civil rights and the right to join trade unions. All of the above, along with Convention for the Elimination of all Forms of Discrimination Against Women 1979, protect against discrimination, including specific mention of discrimination on the basis of sex. Pakistan is also a signatory to the 1998 Declaration of Fundamental Rights at Work which reaffirms the constitutional principle of the elimination of discrimination in respect of employment and the Protection Against Harassment of Women at the Workplace Act, 2010.

#### **4.4. ILO Labor Conventions - Ratifications from Pakistan**

The Government of Pakistan has ratified 36 ILO Conventions, including eight fundamental conventions, as of now. In the South Asian sub-region, Pakistan is the second country that has ratified all eight fundamental conventions as enshrined in the ILO Declaration on Fundamental Principles and Rights at Work. The ILO works in close collaboration with its tripartite constituents towards achieving Pakistan's decent work objectives

The ILO Governing Body has identified eight "fundamental" Conventions, covering subjects that are considered to be fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor; and the elimination of discrimination in respect of employment and occupation. These are listed below.

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labor Convention, 1930 (No. 29) (and its 2014 Protocol )
- Abolition of Forced Labor Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labor Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

#### **4.5. Federal Labor Laws**

Labor legislation in Pakistan traces its origin to colonialism and have evolved through a continuous process of trial to adjust to changing socio-economic conditions, state of industrial development, level of literacy and social welfare. Laws related to labor rights and welfare are listed below.

- Factories act, 1934
- Industrial Relation Act, 2012
- Workman Compensation Act, 1923

- Minimum Wages Ordinance, 1961
- Payment of Wages Act, 1936
- Industrial & Commercial Employment Standing Orders Ordinance, 1968
- Shops & Establishment Act, 1969
- Maternity Benefit Ordinance, 1958
- The Mines Maternity Benefit Act, 1941
- Apprenticeship Ordinance, 1962
- Employees Old Age Benefit Act, 1976
- Prohibition of Employment of Children Act, 1938
- Employments of Children Act, 1991
- Bonded Labor Abolition Act, 1992
- Employees Cost of Living (relief) Act, 1973
- Companies' Profits (workers participation) Act, 1968
- Workers Welfare Fund Act, 1971
- Minimum Wages (Unskilled Workers), (Amendment) 2015
- The Disabled Persons (Employment and Rehabilitation) Act, 2015
- The Protection Against Harassment of Women at the Workplace Act, 2010
- Transgender Persons (Protection of Rights) Act, 2018

The most relevant laws are discussed below.

#### **4.5.1. Factories Act 1934**

The Factories Act, 1934 concerns regulation of labor in factories and addresses issues regarding working condition, child labor and working hours for men and women labor, wages, working hours, rest interval, overtime, holiday and health and safety. The Factories Act also briefly refers to environmental issues. Section 14 deals with the disposal of industrial wastewater and states that “effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein.” The Factories Act states that “the Provincial Government may make rules prescribing the arrangements to be made under sub-section (1) subject to the approval of such authority as may be prescribed. This allowed the provincial governments to establish Minimum Wages Act, 2015.

#### **4.5.2. The Industrial Relations Act, 2012**

The Industrial Relations Act 2012, aimed at regulating the labor-management relations in the country, and allows to bring workers grievance to the attention of his or her employer, in writing, either him or herself, through the shop steward or through his or her trade union within three months of the occurrence of the cause of action. Forms of termination have been described as removed, retrenched, discharged or dismissed from service. To safeguard against abuse of power, victimization or unfair labor practices, the Labor Courts have been given powers to examine and

intervene to find out whether there has been a violation of the principles of natural justice and whether any action by the employer was real or unjust.

#### **4.5.3. West Pakistan Maternity Benefits Ordinance, 1958 (The West Pakistan Maternity Benefit Rules, 1961)**

The law is applicable to female workers across the board within all establishments. Female worker is entitled to 12 weeks maternity leave. Every employer is liable for payment of maternity benefits at the rate of her wages last paid during the period of six weeks immediately preceding and including the day on which the female worker delivers a child, and for each day of six weeks succeeding the day.

#### **4.5.4. The Industrial and Commercial Employment ACT, 2013**

It governs the Industrial relationship between the employer and the workers to maintain industrial peace and settle disputes between them by negotiations, reconciliations, arbitration and adjudication. This Act establishes and provides procedures for settling grievances and resolving disputes between workers and employers. It also specifies the procedure for lock-outs and strikes and confers upon the right to establish or join trade unions of their own choices.

#### **4.5.5. The Employees Old-Age Benefits Act 1976**

The Employees Old-Age Benefits (EOAB) Act 1976 provides for certain old age benefits for the persons who are employed in industrial, commercial and other organizations.

#### **4.5.6. Minimum Wages (Unskilled Workers) Act, 2013**

The Government has announced that "the minimum wages would be increased from Rs. 12,000 to 13,000 per month (w.e.f. 1st July, 2015). Since then, the minimum wages have been reviewed annually. The current minimum wages for the year 2021-22 were announced to be PKR 20,000 per month in Punjab and PKR 21,000 per month in KP.

#### **4.5.7. The Disabled Persons (Employment and Rehabilitation) Act 2015**

The Disabled Persons (Employment and Rehabilitation) Act 2015 provides for the employment, rehabilitation and welfare of disabled persons and for matter connected their well-being.

#### **4.5.8. Employment of Child Act (ECA), (1991)**

Article 11(3) of the Constitution of Pakistan prohibits employment of children below the age of 14 years in any factory, mines or any other hazardous employment. In accordance with this Article, the Employment of Child Act (ECA) 1991 disallows the child labor in the country. The ECA defines a child to mean a person who has not completed his/her fourteenth year of age. The ECA states that no child shall be employed or permitted to work in any of the occupation set forth in the ECA (such as transport sector, railways, construction, and ports) or in any workshop wherein any of the processes defined in the Act are carried out.

#### **4.5.9. The Protection Against Harassment of Women at the Workplace Act, 2010**

In 2010, Pakistan Government passed a Law called 'Protection Against Harassment of Women at Workplace, Act 2010. The Protection against Harassment of Women at the Workplace Act 2010 provides legal protection to women against harassment at the workplace, and reforms the existing

legislation regarding women’s right to work in Pakistan. It focuses on sexual harassment experienced at the workplace by employees and facilitates the transformation of the work environment, so that it is free of sexual harassment, intimidation and abuse. The law makes it a special crime to use force against a woman, or even threaten to use force, if the intention is to “outrage her modesty”. It is an offence only when the accused intended or knew it to be likely that the acts in question would outrage the victim's modesty.

## **4.6. Provincial Labor Laws**

In 2010, subjects of labor and employment were devolved to provinces under the 18th Amendment to the Constitution of Pakistan, as a result of which the federal labor laws became applicable on provinces under Article 270 AA (6) of the Constitution of Pakistan. The 18th Constitutional Amendment in Pakistan has altered the landscape of the labor administration system in the country. Provinces now have a greater responsibility and resources in terms of legislation and implementation. Each province has developed its own labor policy to protect workers’ rights. The Policy relevant to KPRAP is the Khyber Pakhtunkhwa Labor Policy, 2018.

The Labor Policy of 2018 incorporates the key thematic areas in a redefined format with primary focus and emphasis on achievement strategies regarding effective implementation of labor standards, improvements in workplace safety, living wages, child/ bonded labor, awareness raising, excellence in labor inspections regime, imparting quality technical trainings through well-improved training centers, simplification of labor laws, medical facilities for secured workers even after retirement, establishment of labor colonies and schools for workers' children, efficient disbursement of welfare grants and gradual extension of labor protection frame-work.

The provincial labor law relevant to the project are discussed below.

### **Labor Law in Khyber Pakhtunkhwa Province**

After Eighteenth Amendment, the KP province also adopted various laws which comprised of labor laws, welfare and industrial relations laws. KP has adopted all 14 major federal labor laws, clubbing some with similar features into a total of 11 laws. Some of these relevant labor laws include the following:

- KP Prohibition of Employment of Children Act, 2015
- KP Industrial and Commercial Employment Act, 2015;
- The Khyber Pakhtunkhwa Payment of Wages Act, 2013
- KP Minimum Wages Act, 2013;
- The Khyber Pakhtunkhwa Factories Act, 2013
- KP Industrial Relations Act, 2010;
- KP Factories Act, 2013;
- KP Worker Compensation Act, 2013;
- KP Maternity Benefit Act, 2013;
- KP Bonded Labor System Abolition Act, 2015

All the revised labor laws forbid discrimination on the basis of caste, creed, religion, color, or

ethnicity. Under the supervision of the Inspector of Factories (Technical), a dedicated officer was deputed to address complaints relating to wages. Later, the scope of this mechanism was broadened, and all complaints are now routed through a complaint forum. Penalties stipulated in some laws have also been enhanced.

#### **4.7. The World Bank Environmental and Social Standards (ESS): ESS2 on Labor and Working Conditions**

The World Bank's stipulations related to labor are outlined in its ESS2. PIU will be required to promote sound worker-management relationships and provide safe and healthy working conditions. Key objectives of the ESS2 are to:

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

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

Working conditions and management of worker relationships. CWD will develop and implement internal labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and contract workers.

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

**Table 3** provides conformance with the National Labor Act with the key elements of the World Bank ESS 2.

**Table 3: Conformance of the Pakistan National Labor Act with key elements of the ESS2**

<b>Key Elements of ESS2</b>	<b>Provisions in the Pakistan Labor Laws</b>
Equal Opportunity and Nondiscrimination	The law contains important provisions prohibiting discrimination based on sex and disability, including equal wages for equal work.
Timely payment	<ul style="list-style-type: none"> <li>- Wages must be paid before the expiry of the 7th working day after the last day of the wage period.</li> <li>- Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated.</li> </ul>
Minimum Wage	The minimum wage as fixed by provinces in each year.
Work hours	<ul style="list-style-type: none"> <li>- Under the Factories Act, 1934 no adult employee, can be required or permitted to work in any establishment in excess of nine hours a day and 48 hours a week.</li> <li>- Section 8 of the West Pakistan Shops and Establishments Ordinance, 1969 likewise, restricts weekly work hours at 48 hours that includes rest and prayer times.</li> </ul>
Worker rights	Regular leaves and benefits. The employer must provide reasons for termination.
Prevents use of all forms of forced labor and child labor	The national and provincial labor laws prohibit use of all forms of forced labor and child labor.
Protection of Workers	The labor laws encompass a large array of rights to protect workers including the right to decent work and freedom of association to equal opportunity and protection against discrimination. Specific rights related to the workplace include health and safety in the workplace and the right to privacy at work, amongst many others.
OSHS	The law provides for comprehensive OHS and empowers Department of labor and occupation Safety to conduct inspections of establishments and to impose penalties for violations or non-compliance.
Children at Working Age	Under the Factories Act, 1934, no child who has not completed his fourteenth year shall be allowed to work in any factory.
Women	Under the Ordinance of 1958, women with at least four months employment in an establishment immediately preceding the day of delivery are eligible to get a total of twelve weeks of maternity leave, six weeks before and six weeks after the childbirth.
Person with Disabilities (PWD)	Person with Disabilities Rights and Protection Act 2013 provides for rights to discrimination-free employment opportunities.

Key Elements of ESS2	Provisions in the Pakistan Labor Laws
Migrant Workers	No special provisions for migrant workers.
Contract Workers	In the case if the wages of a worker employed by a contractor are not paid by the contractor, the wages must be paid by the employer of the establishment.
Community Workers	The labor law does not recognize community workers as defined in the ESS2 and hence does not provide any special considerations for such contracting arrangements. The law requires that all labor supply contracting agency will have to be formally registered and workers should first be the responsibility of the contracting agency.
Primary Supply Workers	The law does not assign any responsibility to the project on the supplier's laborers and their working conditions. Workers of suppliers will have to be the responsibility of the suppliers.
Freedom of association and collective bargaining	Article 17 of the Constitution not only guarantees freedom of association but also collective bargaining as a fundamental right. Keeping in view this provision, labor law in Pakistan allows formation and joining of trade unions/associations to both the employers and the employees.
Access to a grievance redress mechanism	Workers can seek direct civil law redress from the Labor Courts for complaints regarding terms and conditions employment and wages. Health and safety, maternity welfare and child labor offences are subject to criminal prosecution.

**Table 4** describes main gaps of the government system with respect the WB ESF Standards.

**Table 4: Main gaps of government system with respect to the WB ESF Standards**

WB ES Standard	Legislation	Gaps
ESS2: Labor and Working Conditions	Factories Act 1934  Pakistan Occupational Health and Safety Act 2018	Working Conditions (i) The Act does not specifically require that development be assessed and reviewed in terms of labor and working conditions including OHS requirements before approval. (ii) The Labor Act does not require development projects to prepare Labor Management Plans/Procedure or OHS Plan. (iii) The Labor Act prohibits the use of child labor, however is does not stipulate what the age of a child is. The Child Labor (Prohibition and Regulation) Act 2000 prohibits the employment of any child below the age of 14 while children below the age of 16 are prohibited to work.

<b>WB ES Standard</b>	<b>Legislation</b>	<b>Gaps</b>
ESS4: Community Health and Safety		Covered under ESIA but the systems do not provide clear requirements for the development project and implementation.



## 5. Overview Of Labor Legislation: Occupational Health and Safety

This chapter discusses the legislation for OHS aspects in the country. Also discussed in the chapter are the WB guidelines on these aspects.

### 5.1. Occupational Health and Safety (OHS)

The project will observe and ensure the protection against OHS risks to the workers embodied in various international laws, national and provincial laws and administrative issuances governing the public sector. Observing and enforcing OHS protection should aim at: the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; the prevention amongst workers of departures from health and safety caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; and placing and maintenance of the workers in an occupational environment adapted to his/her physiological and psychological capabilities.

### 5.2. International Conventions

#### 5.2.1. ILO conventions

ILO has formulated more than forty regulations, particularly concerning with the OHS issues. It has several major regulations as follows.

**ILO Technical Convention: C187 – Promotional Framework for Occupational Safety and Health Convention.** This convention stresses (i) a safe and healthy working environment by formulating a national policy; (ii) Each Member shall promote and advance, at all relevant levels, the right of workers to a safe and healthy working environment; (iii) in formulating its national policy, each Member, in light of national conditions and practice and in consultation with the most representative organizations of employers and workers, shall promote basic principles such as assessing occupational risks or hazards; combating occupational risks or hazards at source; and developing a national preventative safety and health culture that includes information, consultation and training.

**Prevention of Major Industrial Accidents Convention, 1993 (No. 174):** The purpose of this Convention is the prevention of major accidents involving hazardous substances and the limitation of the consequences of such accidents. The convention protects workers, the public and the environment by preventing major accidents from occurring at these installations, minimizing the consequences of a major accident either on- or off-site and provides guidance on appropriate emergency planning.

**Safety and Health in Construction (1992):** The objective of this code is to provide practical guidance on a legal, administrative, technical and educational framework for safety and health in construction with a view to: preventing accidents and diseases and harmful effects on the health of workers arising from employment in construction; ensuring appropriate design and implementation of construction projects; providing means of analyzing from the point of view of safety, health and working conditions, construction processes, activities, technologies and operations, and of taking appropriate measures of planning, control and enforcement.

**Safety and Health in Building and Civil Engineering Works (1972):** Code of practice relating

to occupational safety and occupational health in civil engineering and the construction industry - includes provisions concerning the work environment and equipment, fire protection, noise, machinery (including building machinery and electrical machinery, ionizing radiations, explosives, handling, occupational health, welfare, and health services).

This code of practice covers 42 topics related to safety and health in building and civil engineering. Main topics include: workplaces and equipment; scaffolds, ladders and stairs; lifting appliances; railways, road and similar transport; construction equipment; electricity; blasting; concrete work; other building operations; excavations; underground construction; work in compressed atmosphere; work clothes and personal protective equipment; hygiene and welfare; medical supervision.

### **5.2.2. United Nations and Group 20 Countries**

The United Nations has adopted 17 Sustainable Development Goals with specific target on OSH. Similarly, the G 20 Summit 2014 placed OSH on the agenda.

## **5.3. National and Provincial Legislation on OHS**

There was no independent legislation on occupational safety and health issues in Pakistan before 2017. The main law, which governs these issues, is the Chapter 3 of Factories Act, 1934. All the provinces, under this act, have devised Factories Rules. The Hazardous Occupations Rules, 1963 under the authority of Factories Act is another relevant legislation. These rules not only specify hazardous but also authorize the Chief Inspector of Factories to declare any other process as hazardous.

Apart from the Constitution which also covers OHS, some other regulations include the OHS clauses. These acts and regulations are listed below.

- Pakistan Penal Code, 1860
- Fatal Accidents Act, 1855
- Factories Act 1934
- Sindh Factories Rules 1975
- West Pakistan Hazardous Occupations Rules 1963
- Mines Act 1923
- Provincial Employees Social Security (Occupational Diseases) Regulations 1967
- Workmen's Compensation Act 1923 and Rules 1961
- Workmen Compensation Act, 1923
- The Provincial Employees Social Security Ordinance, 1965
- West Pakistan Shops and Establishments Ordinance, 1969
- Pakistan Environmental Protection Act, 1997 (Hazardous Substance Rules, 2003)
- The Agricultural Pesticides Ordinance, 1971 (The Agricultural Pesticide Rules, 1973)
- West Pakistan Labor Camps Rules, 1960
- National Highway Safety Ordinance 2000

- Hazardous Substances Rules, 2003
- Punjab Occupational Safety and Health Act, 2019.

#### **5.4. The Labor Policy 2010 – Government of Pakistan**

The Labor Policy 2010 addresses the importance of OHS legislation in Pakistan as provided below.

- Labor Laws relating to occupational safety and health will be consolidated and rationalized to avoid overlapping and inconsistencies.
- Government shall enact suitable legislation to ensure health and safety of construction workers.
- A Tripartite Council on Health and Safety has been set-up to identify health and safety hazards for workers of all economic sectors and to make recommendations for safety measures on a continuous basis.

#### **5.5. WBG's EHS Guidelines**

The World Bank Group (WBG) has guidelines for Environment, Health and Safety (EHS) that serve as useful references for general issues as well as sector-specific activities. Projects financed by the WBG are expected to comply with this guideline as required by the policies and the standards. The EHS guidelines are mainly on occupational health and safety, community health and safety as well as on construction and decommissioning. It contains guidelines cross cutting on environmental (waste management, ambient air quality, noise and water pollution), occupational health and safety issues among others, applicable to all the industry sectors<sup>8</sup>.

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<sup>8</sup> [https://www.ifc.org/wps/wcm/connect/topics\\_ext\\_content/ifc\\_external\\_corporate\\_site/sustainability-at-ifc/policies-standards/ehs-guidelines](https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/policies-standards/ehs-guidelines)

## 6. Responsible Staff

The project staff responsible for the labor and OHS aspects are discussed in this Chapter.

### 6.1. CWD/PIU Responsibilities

The PIU has the overall responsibility for project management to oversee all aspects of the implementation of the LMP, in particular to ensure contractors' compliance. PIU will address all LMP aspects as part of procurement for works as well as during contractor induction and construction works. The contractor is subsequently responsible for management in accordance with contract-specific LMPs, implementation of which will be supervised by PIU on a regular basis as defined by specific Plans. The detailed approach is described in the following sections. The E&S team in PIU will implement and monitor the provision of this LMP as follows.

- Ensure compliance with the E&S requirements, including the LMP and OHS provisions for the workers;
- Ensure that the obligations are met towards the direct workers as included in this LMP, the ESIA/ESMP and other applicable procurement documents;
- Monitor the training of the project workers;
- Monitor for potential risks of serious safety issues in the conduct of activities;
- Develop and implement the grievance mechanism for direct workers, including ensuring that grievances received from the workers are addressed promptly, and reporting the status of grievances and resolutions.
- Ensure that the project workers are informed of the grievance mechanism;
- Maintain records of recruitment and employment of hired workers, with age and gender verification.
- Provide induction and regular training to direct workers on environmental, social and occupational health and safety issues.
- Report to the World Bank on labor and occupational health and safety performance and any incident or accident related to the Project involving project workers.

### 6.2. Contractors' Responsibilities

**Occupational Health and Safety:** The contractors must engage at least one OHS Specialist and an appropriate number of OHS inspectors keeping in view the number of sites and work program. The contractors' OHS staff will be supervised by DSC and PIU. Smaller contracts may allow for the safety representative (OHS Specialist) to carry out other assignments as well. The safety representative will ensure the day-to-day compliance with specified OHS measures and records of any incidents and accidents. Minor incidents will be reported to PIU on a monthly basis while the serious incidents and accidents will be reported immediately. Minor incidents will be reflected in the quarterly reports to the World Bank while the major issues particularly serious injuries and fatalities will be flagged to the World Bank immediately.

**Labor and Working Conditions:** Contractors will keep records in accordance with specifications set out in this LMP. PIU may at any time require records to ensure that labor conditions are met.

The PIU will review records against actuals at a minimum on a monthly basis and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

**Worker Grievances:** CWD's procedures for addressing grievances currently in place will remain available for Project staff as well. Contractors will be required to establish a workers' grievance redress mechanism that responds to the minimum requirements in this LMP. The PIU's Social Development Specialist will review its records on a monthly basis. Where workers' concerns are not resolved, the national/provincial system will be used, but the PIU will keep abreast of resolutions and reflect in quarterly reports to the World Bank.

**Additional Training:** Each contractor is required to, at all times, have a qualified safety officer on board. If training is required, this will be the contractor's responsibility. The safety officer will provide instructions to contractor staff. PIU will also arrange training to address risks associated with labor influx and will provide a schedule for training required. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by PIU, as specified by the contract.

Staff will receive training on the prevention of SEA/SH, codes of conduct, as well as on gender and GBV in general. The PIU will also be responsible for (i) training, (ii) implementation and (ii) supervision of OHS aspects.

Various government agencies like National Institute of Labor Administration and Training, Directorate of Workers Education provide training to workers on these issues. The Centre for Improvement of Working Conditions and Environment is a pioneering institution in Pakistan (working under the Directorate of Labor Welfare, Punjab) which provides training, information and research facilities for promotion of safety, health and better work environment in the industries and businesses. Training materials, safety posters and different safety signs are available from this Centre.

It will be a condition in the construction contracts that the contractors give preference to local labor. This means that, where possible, unskilled work opportunities should be made available to community members, which would include refugees in the communes where they are present.

## 7. Policies and Procedures

This Chapter describes the main policies and procedures to be followed during the implementation phase of the Project as well as accidents, occupational diseases and prevention of SEA/SH. PIU will include the suggested measure in the bidding documents as provided in the **Annex 2**.

### 7.1. Labor Policies and Procedures

These policies and procedures will be updated and modified, if necessary, after the allocation of the contracts of the different positions of the PIU. As specified in the national labor laws, the employment of project workers will be based on the principles of non-discrimination and equal opportunities. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures will be followed by contractors and monitored by the PIU with support from Human Resource Department to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public, and non-discriminatory, and open with respect to ethnicity, religion, sexual orientation, disability or gender.
- Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- Unskilled labor will be preferentially recruited from the surrounding communities, settlements and adjacent villages.
- Employees will be informed at least two months before their expected release date of the coming termination.
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer.
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in two languages, in the national language and the language that is understandable to both parties.
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.
- It is noted that language-related problems are not expected, but if they are, interpretation will be provided for workers as necessary.
- All workers will be 18 years old or above for civil works. This will be a requirement in contracts with construction works contractors.

- Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration.

The PIU will inform the World Bank of any significant event (social issues) as soon as possible, but no later than five working days after the occurrence of the event. Such events include strikes or other workers' demonstrations. The PIU will prepare a report on the event and the corrective measures and submit it to the Bank within 30 working days of the event.

## **7.2. Occupational Health and Safety**

CWD is committed to comply with legislation which relates to the occupational health and safety requirements as stipulated in the main law governing OHS and Factories Act 1934 Chapter 3 as well as other federal and provincial OHS Acts. The Hazardous Occupation Rules of 1978 regulate certain occupations as hazardous and contain special provisions to regulate the working conditions in those occupations. In addition, there are other laws to be complied with dealing with OHS including The Mines Act 1923; Social Security Ordinance 1965; Workmen's Compensation Act 1923; Shop and Establishment Ordinance 1969 and Dock Laborer Act 1934 as well as WB ESS2 and ESS 4. These laws and standards will enable OHS hazards identification and risk elimination through promotion of appropriate skills, knowledge and attitudes towards hazards.

The PIU will have a designated Occupational and Community Health and Safety Specialist and an Environmental Representative for an agreed period. This specialist must have a minimum Bachelor's degree in civil/environmental engineering/environmental sciences and certificate course in OHS (e.g., The National Examination Board in Occupational Safety and Health - NEBOSH) with a minimum of 5 years of experience as OHS professional in construction of infrastructure projects. Extensive knowledge of all OHS legislation, OHS guidelines and standards is required.

It is important that all staff must be given induction training so that they are aware of the hazards specific to the project and its activities. This is in addition to toolbox talks and other training needs identified during project implementation.

The PIU will ensure that all workers irrespective of any category should be provided with appropriate type of protective masks, helmet, overall and safety shoes, and safety goggles, protective clothing as well as other appropriate PPEs as per work job hazard analysis and method statements (such as working on live wires). The PIU and contractors must also ensure appropriate demarcation of workplace and notices for hazardous area where applicable; accident reporting, notification and investigation practices at each workplace required; safety sign and symbols displayed at workplace and ensure availability of first aid box; also identify and service agreement done with specialized hospitals for complicated accidental and health problems as well as specific details will be included in the emergency management plan (see **Annexes 3, 4 and 5**).

**Occupational Health and Safety Management Plans (OHSMP):** The Contractors will be required to prepare OHSMP in accordance with OHS standards mentioned in the bidding documents, OHS provisions of ESMP, compliance with local regulatory requirements, and WB EHS Guidelines. All OHSMPs shall have as a minimum requirement to include information and details on:

- Each person on the site who has a specific occupational safety and health responsibility in relation to the site and describes how those responsibilities are coordinated
- Occupational health and safety induction training that will take place in respect to construction work on the site
- Arrangements for managing occupational safety and health incidents on the site
- Site safety rules and description of the arrangements for ensuring that all persons on or visiting the site are informed of the rules
- Hazards to which a person at the construction site is likely to be exposed
- Risk of injury or harm to a person resulting from those hazards
- Means by which the risk may be reduced
- Safe work method statements (if any) for the site.

### **7.3. Child Labor and Forced Labor**

To prevent engagement of underage workers, the age employment scheme should be strictly observed by the hiring authority. Proper procedure in the screening, with age verification, shall be undertaken in the selection of direct workers to ensure that no child shall be employed in the implementation of the Project. Likewise, all contracts must have a provision as to the minimum age requirement and the hiring authority shall keep a labor registry of all hired workers.

### **7.4. Labor Influx/ SEA/SH**

All project workers will undergo relevant seminars and training to prevent risks of labor influx or SEA/SH issues. Project workers particularly those coming from other communities will be provided a lecture on the culture and history of the area to enable them to adapt to the community values and avoid any conflicts due to the dissimilarities of their cultural backgrounds.

**Discrimination and exclusion of vulnerable groups:** The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the national labor laws on gender equality in the work place, which will include provision of maternity leave and nursing breaks and sufficient and suitable toilet and washing facilities, separate from men and women workers.

**Development of a SEA/SH Action Plan and Mitigation Measures for Risks Related to Gender:** According to the Note on Good Practices to Combat SEA/SH in the Framework of Financing Investment Projects Involving major civil engineering works, all projects, whatever their risk level, should guarantee the minimum actions recommendations for addressing the risks of SEA/SH related issues.

The initial SEA/SH mitigation measures have been developed and included in the ESMF during the design phase of the project activities in the target areas. These measures may need to be reviewed and revised in the subproject ESIAs/ESMPs. Based on the SEA/SH risk assessment related to the planned activities of the project, these measures include the following:



- The routes/places used by the women will be avoided as far as possible. If unavoidable, alternate routes will be identified for the communities, if required, especially along routes frequented by women folk, such as route to the local well or water source.
- Camp sites for construction will be 500 m away from the nearest community.
- Construction crew will avoid entering villages and settlements.
- Communities will be informed and consulted before commencing works inside or near the communities.
- Strict code of conduct will be maintained by the construction crew. Local norms will be respected.
- Project staff will receive training on the prevention of SEA/SH.
- Provision related to SEA/SH will be incorporated in the bidding document,
- Workers will be required to sign Code of Conducts (CoC) prepared by the Contractors and reviewed and approved by PIU,
- Identification and mapping of the service providers.
- Formulate a responsibility and response framework within the framework of the project's ESMP.

PIU will incorporate standardized environmental and social clauses including the requirement of SEA/SH mitigation measures and worker Code of Conduct in the tender documentation and contract documents, in order for potential bidders to be aware of environmental and social performance requirements that shall be expected from them, are able to reflect that in their bids, and required to implement the clauses for the duration of the contract. PIU will enforce compliance by contractors with these clauses. As a core contractual requirement, the contractor, sub-contractors and the third-party labor suppliers are required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the PIU or its appointed representatives.

The contractual arrangements with each project worker must be clearly defined in accordance with national law. A full set of contractual requirements related to environmental and social risk and impact management will be provided in the ESIA. All environmental and social requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the Project environmental and social instruments. Under no circumstances will PIU, Contractors, Primary suppliers or sub-contractors engage in forced labor nor child labor. Forced labor includes bonded labor (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods, retaining the worker's identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable 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 personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a nonvoluntary basis.

## **7.5. Labor Disputes over Terms and Conditions of Employment**

Fair, reasonable and lawful terms and conditions shall be applied in the contractual provisions of

all project workers to prevent labor disputes. Moreover, there will be an efficient grievance mechanism to address any issues that may arise during existence of the contract. The guidelines provided later in the document shall be strictly observed to avoid disputes over terms and conditions of employment.

All the contractors who will be engaged for the project will be required to produce their grievance procedure as a requirement for tender which at a minimum comply with these requirements. In addition, good international practice recommends that the procedures be transparent, is confidential, adheres to non-retribution practices and includes right to representation. After they are engaged, they will be required to produce proof that each worker has been inducted and signed that they have been inducted on the procedure.

## **7.6. Monitoring and Reporting**

The PIUs will report on the status of implementation of the above policies and procedures on a monthly basis. The PIU will closely monitor labor and occupational health and safety performance of the project and report to the World Bank on a quarterly basis.

## **7.7. Fatality and Serious Incidents**

In the event of an occupational fatality or serious injury, the PIU shall report to the Bank as soon as becoming aware of such incidents and inform the government authorities (where available) in accordance with national as well as Bank reporting requirements. Corrective actions shall be implemented in response to project-related incidents or accidents. The PIU or, where relevant the consultant, may conduct a root cause analysis for designing and implementing further corrective actions.

## **8. Age of Employment**

This Chapter describes the criteria and process of determining the minimum age of employment for the proposed project.

### **8.1. Minimum Age for Employment in the Project**

Article 11(3) of the Constitution of Pakistan prohibits employment of children below the age of 14 years in any factory, mines or any other hazardous employment. In accordance with this Article, the Employment of Child Act (ECA) 1991 disallows the child labor in the country. The ECA defines a child to mean a person who has not completed his/her fourteenth years of age. The ECA states that no child shall be employed or permitted to work in any of the occupation set forth in the ECA (such as transport sector, railways, construction, and ports) or in any workshop wherein any of the processes defined in the Act is carried out. The processes defined in the Act include carpet weaving, cement manufacturing, textile, construction and others). CWD and its contractors will be bound by the ECA to disallow any child labor at the project sites or campsites. Employer will ensure that no construction workers under 18 years are employed.

Under the Factories Act, 1934, no adult employee, defined as a worker who has completed his or her 18<sup>th</sup> year of age, can be required or permitted to work in any establishment in excess of nine hours a day and 48 hours a week. Similarly, no young person, under the age of 18, can be required or permitted to work in excess of seven hours a day and 42 hours a week. The Factories Act, which governs the conditions of work of industrial labor, applies to factories, employing ten or more workers. The Provincial Governments are further empowered to extend the provisions of the Act, to even five workers.

Under the ILO C138 (Minimum Age Convention, 1973), each Member of the Convention undertakes to pursue a national policy designed to ensure the effective abolition of child labor and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. Article III thereof provides: (a) the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years; (b) the types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist; (c) notwithstanding, the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Contractors will be required to verify and identify the age of all workers. This will require workers to provide official documentation, which could include a birth certificate, CNIC, passport, or medical or school record. If a minor under the minimum labor eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, taking into account the best interest of the minor.

## **8.2. The process of Age Verification**

Verification of the age shall be undertaken prior to the engagement of labor and be documented. Check the birthday on official documents such as birth certificate, National Identity Card or other credible records, where available<sup>9</sup>.

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## **9. Terms and Conditions of Employment**

This Chapter defines the employment terms and conditions applicable to the project employees.

### **9.1. General Requirements**

The employment terms and conditions applicable to project employees as set out in the labor rules will apply to all project employees who are assigned to work on the Project (direct workers). Terms and conditions of part-time direct workers are determined by their individual contracts.

This section will be updated and modified, if necessary, after the allocation of the contracts of the different posts of the PIU. The terms and conditions applicable to the employees of the PIU are defined in the contracts, which provide for the rights of the employees in accordance with the Code of work. These internal work rules and regulations will apply to PIU employees who are assigned to specific work related to the Project (direct workers). The conditions of employment of direct part-time workers are determined by their individual contract.

All the recruiting procedures are documented and filed in the folders in accordance to the requirements of labor legislation of the GoP and provinces. Monthly timesheets are also filed and kept accurately. The work hours for workers are 48 hours per week, in accordance with the Factories Act discussed earlier in the document. All project workers will receive at least one rest day (24 hours) after six consecutive days of work.

The contractors' labor management procedure will set out terms and conditions for the contracted and subcontracted workers. These terms and conditions will be in line, at a minimum, with this LMP, the Factories Act 1934 and specified in the standard contracts to be used by the CWD under the Project.

A contract of employment, written in a language known to the parties, shall be executed between the CWD and the direct worker that specify the following:

- Parties to the contract, including the name of worker, age, citizenship, civil status, gender, and address;
- Premises with regard to the needed services, acceptance of the parties, qualifications of the worker, and attestation that the worker is not related within the third degree of consanguinity or affinity to the hiring authority and/or its representative, and that the worker has not been previously dismissed from government service by reason of administrative offense;
- Terms and conditions of the contract, including the hours and place of work, remuneration payable to the worker, job description, summary of deliverables, duration of contract, procedure for suspension or termination of contract, statement that there is no employer and employee relationship between the contracting parties.

As provided in the Factories Act, 1934, every worker who has completed a period of twelve months continuous service in a factory shall be allowed, during the subsequent period of twelve months, holidays for a period of fourteen consecutive days. If a worker fails in any one such period of twelve months to take the whole of the holidays allowed to him or her, any holidays not taken by him or her shall be added to the holidays allotted to him or her in the succeeding period of twelve months.

A worker shall be deemed to have completed a period of 12 months continuous service in a factory without considering any interruption in service during those 12 months due to sickness, accident or authorized leave not exceeding ninety days in the aggregate for all three. Similarly, the following situations will also not be considered in determining the period of 12 months: a lock-out, or by a strike which is not an illegal strike, or by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorized leave shall be deemed not to include any weekly holiday allowed under section 35 of the Factories Act, which occurs at beginning or end of an interruption caused by the leave.<sup>10</sup>

## **9.2. Non-discrimination and Equal Work Opportunities**

Article 19-A of the Constitution imparts the State's obligations aimed at achieving equality in the form of securing the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees.

CWD is committed to equal opportunities for all its employees and potential employees where everyone is treated with respect and dignity and where there is equal opportunity for all. All employees, whether part-time, full time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefits will be on a basis of aptitude and ability. Decisions about pay and benefits, terms and conditions of employment, appraisals, dismissal or redundancy will be made objectively and without unlawful discrimination. All employees will be helped and encouraged to develop their full potential, and the talents and resources of the workforce will be fully utilized to maximize the efficiency of the organization.

PIU will ensure that:

- Equality and non-discrimination policy is adhered to within its own area of responsibility;
- Bring the details of the equality in employment policy to the attention of the team members;
- Ensure that information on equality of opportunity is included in all induction processes; and
- Ensure that the team members are available to attend relevant equality training programs (if any).

The PIU is responsible for ensuring that equality on employment is effectively communicated to all employees and all those involved with the organization at whatever level or position and for providing advice and guidance where appropriate. It will, in particular, provide full text and induction on equal opportunities to all new employees; translate this policy into Urdu and send to all relevant involved parties. In addition, upon any significant update, the policy will be presented to all members of staff or at department/office meetings and re-translated to all relevant involved parties.

Each member of staff has a responsibility to:

- Follow any measures introduced to ensure equality of opportunity and prevent discrimination, harassment or bullying;

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<sup>10</sup> For exact text, please see Article 49-B of the Factories Act  
(<https://www.ilo.org/dyn/natlex/docs/WEBTEXT/35384/64903/E97PAK01.htm#c4a>)

- Report any discriminatory acts;
- Treat others fairly without prejudice; and
- Promote a work environment where an individual can feel valued and realize his/her potential and encourage others to do so.

Failure to comply with the policy, procedures and practices outlined below will be considered within the framework of CWD's disciplinary procedure. The CWD's equal opportunity policy also covers bullying and harassment issues at the workplace and in any work-related setting outside the workplace, for example, during business trips and at work-related social events.

### **9.3. Hours of Work**

The Factories Act, 1934 (Section-34), Shops and Establishment Ordinance, 1969 (Section 8) and Road Transport Ordinance, 1961 (Section-4) are used to determine working hours and rest time in different industries. Section 34 of the Factories Act provides that “no adult worker shall be allowed or required) to work in a factory for more than 48 hours in a week; if the factory is seasonal, 50 hours a week and if the work is of continuous nature, he may work for 56 hours in a week. As for the daily hours, these may not be more than 9 hours a day (in case of seasonal; 10 hours). The working hours of an adolescent (15-18) are 5 hours in a day. The Factories Act is applicable to all the precincts employing 10 or more workers. The law makes provisions for one weekly holiday and if that is not given, a compensatory holiday must be given as soon as possible. Shops and Establishments Ordinance 1969 and Mines Act 1923 also limit the weekly hours to 48 hours. The above ordinance covers shops and commercial establishments not regulated by Factories Act and Mines Act. Any adult worker is required to work overtime, if asked, and the rate of overtime payment is double the usual pay (Section 47). Overtime is not payable to the contract workers, employed on piece rate basis. The normal hours of work of Project workers shall not exceed 8 hours a day for 5 days or 40-hour work week, exclusive of time for meals. Where exigencies of the service require such personnel to work for 6 days or 48 hours, the project workers shall be entitled to a compensatory time-off to off-set the overtime rendered. No worker shall be allowed to render services beyond the 48-hour overtime.

### **9.4. Rest per Week and Leave**

Every project worker is entitled to a 2-day rest period during weekends (Saturday and Sunday). Workers shall also be entitled to a rest day on regular holidays recognized by the State. Every worker is entitled to 10 days casual leave with full pay during a year. Workers are also entitled to 16 days sick leave with half pay (8 days with full pay) in a year. Festival holidays as notified by the provincial government with full pay (usually 10-13) are also allowed. If a worker is required to work on a festival holiday, he will be given one day additional compensatory holiday with full pay and a substitute holiday (300% of usual wages).

### **9.5. Maternity Leave**

If a worker has completed 12 months of continuous service in a factory, s/he shall be allowed a paid annual leave of 14 consecutive days. Under Maternity Benefits Ordinance 1958, leave is also allowed to pregnant women for a period of 12 weeks with full pay. It is unlawful for an employer to dismiss a women worker who is on maternity leave. The qualifying period for getting this leave is four months of preceding employment with the employer. Maternity benefit and maternity leave

of 16 weeks is also provided under the Mines Maternity Benefits Act, 1941(section 5).

## **9.6. Wages**

The laws relating to fixation and payment of wages include Payment of Wages Act 1936, Coal Mines (Fixation of Rate of Wages) Ordinance 1960, Minimum Wages Ordinance, 1961 and Minimum Wages for Unskilled Workers Ordinance 1969. Civil Servants Act, 1973 (article 17) is the relevant legislation governing remuneration in the public sector and wages are recommended by the Pay and Pension Commission constituted by government. Under the payment of Wages Act, no wage period should exceed one month (section 4) and wages are to be paid within seven days after the end of wage period (except for establishments employing more than 1000 workers, they can pay within 10 days). The Provincial Governments constitute Minimum Wages Boards under Section (3) of Minimum Wages Ordinance, 1961 to decide the wage rates. Minimum Wages Board is a tripartite body comprising the representative of Government, Employers and Employees. The Board, upon reference to it by the Provincial Government, recommends to such government, the minimum rate of wages for workers as specified in the reference. The Provincial Government on the recommendation of the board fixes the Minimum Rate of Wages for all classes of workmen as provided in Section (6) of the Minimum Wages Ordinance, 1961.

## **9.7. Workers' Welfare**

The workers' welfare legislation includes Employees Old Age Benefits (EOAB) Act 1976 (with provisions for old age pension, old age grant, invalidity and widow(er) pension). This act is applicable to establishments employing five or more workers. Contribution has to be made both by the employer (5% of minimum wages) and employee (1% of minimum wages). Employees Social Security Ordinance 1965 (applicable like EOAB Act) provides benefit to the employees in cases of sickness, maternity, employment injury or death. The amount in this scheme is contributed only by the employer. The Workmen's Compensation Act, 1923 provides for the compensation to be paid by employer to workers or their legal heirs in cases of death, permanent total disablement, permanent partial disablement and temporary disablement during working in an establishment. The Standing Orders 1968 also provides for compulsory group insurance against natural death and injury for all the permanent employees in a workplace.

## **9.8. Termination of Contract**

The contract of employment shall cease at the end of the period stated in the contract. However, the contract may be pre-terminated by the hiring authority due to breach of any provision thereof, breach of trust, loss of confidence, and for reasons detrimental to the interest of the agency, provided that the project worker is informed in writing at least 30 days prior to the effectivity of such termination. Likewise, the project worker may pre-terminate the contract provided that a written notice is submitted to the hiring authority, stating therein the reasons for the pre-termination, at least 30 days prior to the proposed date of effectivity thereof, and the same has been received, accepted, and approved in writing by the hiring authority.

Industrial and Commercial Employment (Standing Industrial and Commercial Employment (Standing Orders) Ordinance 1968 was enacted to address to the contractual relationship between employer and employee. The ordinance is applicable to establishments employing 20 or more workers. The ordinance classifies workmen in six classes: permanent, probationers, *badlis*, temporary, apprentices and contract workers (the last category was added in 2006). The legislation



requires that workmen should be provided the contract in writing, showing the terms and conditions of his service, at the time of hiring, promotion and transfer. It also requires that the wage rates paid to different categories of workers/work should be posted on the notice boards.

Termination of an employment contract may be either termination simpliciter, which is termination on grounds other than misconduct after a notice (section 12) or termination on account of misconduct (section 15). Notice of termination, for termination simpliciter, is mandatory for permanent employees. A notice of one month must be served before severing the employment relationship or payment of one month's wages in lieu of notice may be provided (Section 12.1). The law also obliges the employer to provide the termination certificate in writing stating the reason behind it. Although there is no specific provision for just cause dismissal, the requirement of written termination letter and section 41 of IRA 2008 which allow the labor court to inquire into the legitimacy of termination provide that there should be bona fide and valid reason for dismissal.

Termination on account of trade union membership and activity is an invalid reason for termination (ILO, 2000). While termination is being done on account of misconduct, worker has still the right of fair hearing. Of the many types of misconduct is "go slow", for which a worker can be fired. Termination on economic reasons/retrenchment has not been focused in law; however, law does provide the procedure of retrenchment (last come, first go) and preference for rehiring of retrenched workmen. In case of laying off the workers, they must also be given due notice or payment in lieu of notice. If the employer wants to close down the whole business or is terminating the employment of 50 or more workers, It must get the prior approval of labor court. An individual whose employment is terminated has first to use internal mechanisms for dispute resolution, however if he is not satisfied with the decision, he may appeal to the labor court. In that case, labor court is authorized to go into all the facts of the case and determine whether the termination was valid and bona fide or not. The above-mentioned ordinance also provides for severance pay/gratuity to be paid (when an employee resigns or his services are terminated other than misconduct) equivalent to 30 days wages for every completed year of service or any part thereof in excess of 6 months (for 20 years of service, this means 90 weeks of severance pay).

## **9.9. Deductions from remuneration**

No deductions other than those agreed upon in the contract or those prescribed by law or regulations shall be made from a worker's remuneration. The hiring authority is prohibited to demand or accept from the worker any cash payment or gifts in return for admitting such worker to employment or for any other reasons connected with the terms and conditions of employment.

## **9.10. Medical treatment of injured and sick workers**

Any worker who is subjected to injury, illness or accident sustained during the work period shall be transported to the nearest clinic or hospital by the hiring authority or its representative.

## **9.11. Collective Agreements**

The duty to collectively bargain arises only between the "employer" and "employee". Where neither party is an "employer" nor "employee" of the other, no such duty would exist. Considering that the terms and conditions provide that no employer-employee relationship shall exist between the contracting parties, there is no duty to bargain collectively.

Collective Bargaining was first introduced in Pakistan with the promulgation of IRO 1969.

Collective bargaining has also been called a fundamental right which emanates from article 17(1) of the Constitution. A trade union can move application for determination of Collective Bargaining Agent (CBA) if it has its members not less than one-third of those employed as workmen. However, if more than one union exists in the premises, the registrar of trade unions will conduct a secret ballot election/referendum and will issue the CBA certificate to union securing votes not less than one third of total votes. If none of the union is able to get one third of total votes, a run-off election between the top two unions will be held and the union getting majority votes will be certified as collective bargaining agent. Not every workman employed in the premises is eligible for voting (Section 24.5). When a union is certified as a CBA, no application for (re)determination of CBA can be made for a period of two years except where the registration of trade union/CBA is cancelled. The CBA is entitled to undertake collective bargaining with the employer or employers on matters connected with employment, non-employment, the term of employment or the conditions of work other than matters which relate to the enforcement of any right guaranteed or secured to it or any workman by or under any law, other than this Act , or any award or settlement; represent all or any of the workmen in any proceedings; give notice of, and declare, a strike and nominate representatives of workmen on the Board of Trustees of any welfare institutions or Provident Funds (IRA 2008: Section 24.13).

## **10. Grievance Redress Mechanism**

This Chapter describes the requirements for establishing a grievance redress mechanism (GRM) to be established for the project workers,

### **10.1. Legislative Requirements**

Pursuant to Article 46 of the Industrial Relations Ordinance (IRO) 2002, a worker may bring his or her grievance in respect of any right guaranteed or secured by or under any law or any award or settlement to the notice of the employer in writing, either him or herself or through the shop steward or CBA, within one month of the day on which cause of such grievance arises. The IRO 2002 reduces the delay from three months to one month. Where a worker brings his or her grievance to the notice of the employer, the employer must within fifteen days of the grievance, communicate his or her decision in writing to the worker.

### **10.2. GRM for KPRAP Workers**

For the KPRAP, PIU and its contractors will establish a GRM (or make provisions in the overall GRM) for the project workers to address labor or workplace-related concerns consistent with the applicable national and provincial laws and ESS2 before the Project Effectiveness and describe it in the Project Operations Manual (POM).

Typical workplace grievances include demand for employment opportunities; labor wage rates; delays of payment; disagreement over working conditions; and health and safety concerns in the work environment. A GRM structure will be established for project workers (direct workers and contracted/supply workers), as required in ESS2. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers. The workers' GRM will also allow for anonymous complaints to be raised and addressed. Individuals who submit their complaints or grievances may request that their names be kept confidential, and this should be respected. Under ESS2, a workers' GRM will be provided for all project workers, including, direct workers and contracted/supply workers, to raise workplace concerns, including SEA/SH relating to the workplace. A direct worker, or a contractors'/primary suppliers' worker, who has any complaint or grievance has the right to present it and eventually get a proper response on it.

According to ESS2 paras 21-23, different types of workers (including all direct workers and contracted workers, and where relevant, their organizations) may approach the workers' GRM for the following key reasons, among many others:

- Demand for employment opportunities;
- Labor wages rates and delays in payment of wages;
- Disagreements over working conditions;
- SEA/SH in the workplace; and
- Health and safety concerns in work environment.

The workers' GRM, which is different from the project GRM, will leverage existing procedures and systems, and will be established in early stages of the project and will serve throughout the project implementation. The workers' GRM will be based on the requirements of the WB's ESS2 – Labor and Working Conditions. Specifically, the workers' GRM will operate according to the

following key principles:

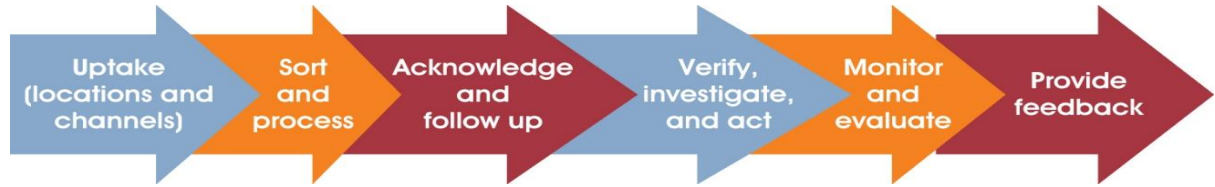
- It will be made available for all direct and contracted workers (and where relevant their organizations);
- It will be proportionate to the nature and scale and the potential risks and impacts foreseen from the project;
- It will be designed to promptly address concerns using an understandable and transparent process that provides timely feedback to those concerned in a language that they understand, without any retribution;
- It will operate in an independent and objective manner;
- It will be a free system. Complaining workers will not pay fees to use the worker GRM;
- It will utilize existing grievance systems and experiences. In this context, the worker GRM will leverage HR complaining procedures for direct workers that are available at their respective health ministries and departments, and will ensure HR procedures at contractors' organizations are consistent with the official worker GRM system characterized in this document, which will be further referenced in their working agreements, and monitored accordingly;
- Anonymous grievances are also allowed and facilitated, and will be treated equally as other grievances, whose origin is known, however, a suitable contact information is a must to be able to communicate responses back;
- There will be no discrimination against those who express grievances, and any grievances will be treated confidentially;
- It does not replace or override the requirements to provide workplace processes to report work situations that a project worker believes are not safe or unhealthy;
- Workers will be able to raise concerns regarding unsafe or unhealthy work situations through this system; and
- It will not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements.

The workers' GRM will have the following design and procedure:

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 all pertinent information, such as: the designated call centers, hotline numbers, email addresses, office work hours, comment/complaint forms, suggestion display boxes, stipulated timeframes to respond to grievances; info on a register to record and track the timely resolution of grievances; the responsible department to receive, record and track resolution of grievances, and other means as needed.

The complainant will be able to use mobile-phone based applications, and in-person centers/mechanism for complaint registration and resolution, and a free hotline linked with a call center.

The grievance will be addressed through each area of feedback value chain: (i) uptake, (ii) sort and process, (iii) acknowledge and follow up, (iv) verify, investigate and act, (v) monitor and evaluate, and (vi) provide feedback to the complainant to ensure effectiveness (see **Figure 1** below).



**Figure 1: GRM Process**

Grievance handling will be transparent and aggrieved workers will be informed within 10 days of their grievance application, either with a respective solution or with a request of extension;

The aggrieved worker will have the option to refer to a grievance log with key information that will be established by the PIU and quarterly reported upon.

If not satisfied with the outcome of the contractor level, the aggrieved party will be able to access Grievance Redress Committee (GRC), PIU level. The GRC will be responsible for the redress mechanism in the areas of labor, environmental and social aspects and project management.

The mechanism for resolving workers' grievances will be described in the context of staff induction training, which will be given to all project workers. The mechanism will be based on the following principles:

The process will be transparent and will allow workers to voice their concerns and file grievances.

At the time of recruitment and prior to actual work engagement, these workers will be informed of the grievance mechanism and the measures to be put in place to protect them against any reprisal, discrimination or biased action on their grievances. Grievance mechanism shall be made easily accessible to all project workers.

There will be no discrimination against those who express grievances and all grievances will be treated confidentially.

Anonymous complaints will be treated in the same way as other complaints, the origin of which is known.

Management will deal with grievances seriously and take appropriate action in a timely manner and deadlines for responding to complaints;

Information on the existence of the grievance mechanism will be readily available to all project workers (direct and contractual) through bulletin boards, suggestion and complaint boxes and other means as required.

This mechanism for project workers will not prevent them from using the conciliation procedure provided for by the Labor Code.

The E&S Specialists will monitor the recording and settlement of grievances by workers and report to the PIU in its monthly progress reports. The process will be followed by the GRM focal point, the environment and social development specialists who will be responsible for the GRM of the

project.

**Collective Grievances and Disputes Resulting from the Negotiations of Collective Agreements:** Where a trade union is recognized, it is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace and the employer is obliged to negotiate with it. The procedures followed in such instances is usually contained in the agreement, which states how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation and the procedure to deal issues that are not resolved through consensus. If the dispute is not resolved at the workplace, the parties to the dispute can utilize the dispute resolutions mechanisms provided for in the labor legislation.

**Sexual Exploitation and Workplace Sexual Harassment:** A separate GRM will be established specifically for the purpose of confidentially receiving grievances related to SEA/SH. All SEA/SH related complaints, with the survivor's consent, will be referenced to the project-identified service provider who will further manage the case in a survivor-centric approach and will report back to the project GBV GRM once the case is solved. In addition, the ESIA/ESMP will identify additional mitigation measures, including the contractors' ESMP or contractors specific LMP, where required. This will include engagement with communities on gender related risks, grievance and response measures available, as identified in the manual.

The PIU will, with support from consultants, identify institutions and services providers who are actively engaged in prevention of gender-based violence, sexual exploitation and workplace sexual harassment in order to establish a manual for referencing any potential survivors. The PIU and the contractor are usually not equipped to handle complaints or provide relevant services to survivors, but will reference any person to relevant service providers, including health facilities, law enforcement agency's gender unit or others, as relevant using the information on available services.

All concerned responsible staff shall hold regular meetings with the project workers to discuss any work-related issues and concerns. Every grievance raised by a worker will be documented with the actions undertaken by the PIU and contractors to address such grievance. The aggrieved worker may raise any issue anonymously through a letter which shall be submitted to his/her immediate supervisor's office. Any grievance which are left unattended by the contractor can be submitted by the worker to the PIU, in which case actions shall be taken to resolve the issue. Any labor dispute shall be first resolved through mediation, conciliation and arbitration, in order to provide an efficient procedure in the settlement of disputes and to promote autonomy and freedom of the parties to make their own arrangements to resolve their grievance.

## 11. Contractor Management

PIU will ensure that the contractors are legitimate and reliable entities and that they have procedures established for management of labor in compliance with this LMP. Contracts with contractors will include a provision on the obligation to comply with current legislation on labor and protection at work. During selection of contractors, PIU can ask to be provided with an insight into additional documentation, including, without limitations, the following:

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
- Business licenses, registrations, permits, and approvals;
- Documents relating to a labor management system, including OHS issues, for example, labor management procedures;
- Identification of labor management, safety, and health personnel, their qualifications, and certifications;
- Workers' certifications/permits/training to perform required work;
- Records of safety and health violations, and responses;
- Incident, accident and fatality records and notifications to authorities;
- Records of legally required worker benefits and proof of workers' enrolment in the related programs;
- Worker payroll records, including hours worked and pay received;
- Identification of occupational health and safety committee members and records of meetings; and
- Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2.

PIU will monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors 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 compiled by contractors. Contractors' 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 Workers

The number and type of primary suppliers will be defined once the contractors define and prepare their work plans and make the corresponding adjustments to the designs to optimize them. The construction work under the Project will require the involvement of primary supplies including for construction materials essential for the functions of the proposed infrastructure, such as cement, aggregates, sand, and bitumen. Some contractors may be able to produce such construction materials by their workforce. However, where the contractor will source (a) essential materials (b) directly from primary suppliers (c) on an ongoing basis, the workers engaged by such primary suppliers that meet all three criteria are deemed “primary supply workers”, as defined in ESS2. As discussed in **Section 3** (Key Labor Risks), the OHS risks are also deemed to be generally significant in the construction sector including quarry sites. To address these potential risks, the following measures will be taken:

**Selection of primary suppliers:** When sourcing for primary suppliers, the project will require such suppliers to identify the risk of child labor/forced labor and serious safety risks associated with the primary supply chain. The PIU and the consultants will review and approve the purchase of primary supplies from the suppliers following such risk identification/assessment. Where appropriate, the Project will be required to include specific requirements on child labor/forced labor and work safety issues in all purchase orders and contracts with primary suppliers.

**Remedial process:** If child labor/forced labor and/or serious safety risks are identified, the PIU and the consultants will require the primary supplier to take appropriate steps to remedy them. Such mitigation measures will be monitored periodically to ascertain their effectiveness. Where the mitigation measures are found to be ineffective, the PIU and the consultants will, within reasonable period, shift the project’s primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements.

PIU will oversee the procurements of goods and materials requirements under the construction works. Project Contractors will be responsible for procurement and supply of materials and equipment under the same conditions and specifications on ESHS aspects in its contracting agreements.



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## **Annex 1: Template for Project Workers Code of Conduct**

I, \_\_\_\_\_, acknowledge that preventing any misconduct as stipulated in this code of conduct, including sexual exploitation and abuse (SEA), sexual harassment (SH), and child abuse/exploitation are important. Any activity, which constitute acts of gross misconduct are therefore grounds for sanctions, penalties or even termination of employment. All forms of misconduct are unacceptable be it on the work site, the work site surroundings, or at worker's camps. Prosecution of those who commit any such misconduct will be pursued as appropriate. I agree that while working on this project, I will:

1. Consent to security background check;
2. Treat women, children (persons under the age of 18) and persons with disability with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, birth or other status;
3. Not use language or behavior towards men, women or children/learners that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
4. carry out his/her duties competently and diligently;
5. 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;
6. maintain a safe working environment including 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.
7. 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 danger to his/her life or health;
8. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
9. not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
10. Not participate in sexual activity with children/learners—including grooming or through digital media. Mistaken belief regarding the age of a child and consent from the child is not a defense;
11. Not exchange money, employment, goods, or services for sex, with community members including sexual favors or other forms of humiliating, degrading or exploitative behavior;
12. Attend trainings related to HIV and AIDS, SAE/SH, occupational health and any other relevant courses on safety as requested by my employer;

13. Report to the relevant committee any situation where I may have concerns or suspicions regarding acts of misconduct by a fellow worker, whether in my company or not, or any breaches of this code of conduct provided it is done in good faith;
14. Regarding children (under the age of 18):
  - a) Refrain from hiring children for domestic or other labor, which is inappropriate given their age, or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
  - b) Comply with all relevant local legislation, including labor laws in relation to child labor.
15. Refrain from any form of theft for assets and facilities including from surrounding communities.
16. Remain in designated working area during working hours;
17. Refrain from possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during working hours;
18. Follow prescribed environmental occupation health and safety standards;
19. Channel grievances through the established grievance redress mechanism.

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

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

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

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

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

For the Employer/Contractor

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

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

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

## Annex 2: Suggested Measure to be included in the Contracts

Stage of Contractual Process	Suggested Due Diligence
Before bidding	<ul style="list-style-type: none"> <li>• Ensure that the terms of reference clearly define the supervision engineer’s responsibilities regarding oversight of, and reporting on, labor influx and workers’ camps.</li> <li>• Ensure the team skills in the terms of reference clearly include key staff qualified and experienced in managing similar projects, and demonstrated capacity to manage social and environmental issues, including issues pertaining to community health and safety.</li> <li>• Ensure that the project GRM is established and its use is widely publicized.</li> </ul>
Preparation of bidding documents	<ul style="list-style-type: none"> <li>• Review contract conditions included in bidding documents to: (i) Ensure that the relevant mitigation measures in the ESMP are reflected and budgeted in the contract, (ii) Ensure the ESMP forms part of, and is explicitly referred to in the bidding documents. (iii) Identify relevant provisions (workers, camps, child and forced labor, occupational health and safety, grievance redress, etc.) regulating the contractor’s responsibility and identify any gaps, inconsistencies or areas of concern that could be addressed through additional provisions in the “particular conditions of contract” and/or technical specifications (iv) Include a requirement that all workers sign ‘Codes of Conduct’ governing behavior, and identifying sanctions (v) Clearly identify that training programs on implementing the Codes of Conduct, etc. will be undertaken by external providers</li> <li>• Ensure the contract conditions and matrix of consequences clearly specify what type of penalty the contractor will face if the provisions of the ESMP and CESMP including OHS MP are not adhered to—including by subcontractors. This may include direct consequences to contractors in the form of penalties for poor performance on social and environmental matters or specific Performance Securities for ESMP and CESMP compliance.</li> <li>• Ensure that bidding documents clearly indicate OHS standards that are going to be applicable to different aspects of the works</li> <li>• Ensure bidding documents make clear the responsibilities of the contractor to prepare and adhere to a CESMP based on the ESMP and that no civil works will commence until the CESMP has been approved by the supervision engineer.</li> <li>• Ensure the bidding documents detail how the contractor and supervision engineer will be required to monitor and report on the</li> </ul>

	<p>impacts on the local community, issues related to labor influx and workers' camps.</p> <ul style="list-style-type: none"> <li>Propose Key Performance Indicators (KPIs) for Contract Management, reflecting issues and risks specific to the contract and the monitoring plan.</li> </ul>
<p>Bidding evaluation</p>	<ul style="list-style-type: none"> <li>Review the bid evaluation report and request to review the bids where appropriate, to verify for the recommended bidder that documents related to the ESMP, safeguard implementation capacity, and other obligations of the contractor required to be submitted with the bid are sufficiently detailed and cover the contractual requirements.</li> <li>Require the contractor's representative or dedicated community liaison staff to have the ability to communicate in the language of the Borrower and/or the local language.</li> <li>Verify that the contract management framework identifies clearly lines of communication and that these are formalized and a consistent record is provided.</li> <li>Ensure that the contractor meets the project's OHS requirements for capability and experience.</li> </ul>
<p>After contract signing</p>	<ul style="list-style-type: none"> <li>Prior to commencing works, the contractor submits CESMP(s) based on the ESMP, which includes specific management plans for: (i) work activities; (ii) traffic management; (iii) occupational health and safety; (iv) environmental management; (v) social management; and (vi) labor influx.</li> <li>Supervision engineer reviews and approves the CESMP— with inputs from appropriate Government agencies—before any works start. For moderate risk sub-projects, the supervision consultants should review and clear the CESMP. Borrower should disclose the approved CESMP.</li> <li>Supervision Engineers must approve occupational health and safety management plan is approved before contractor is mobilized at site</li> </ul>

### Annex 3: Written Particulars of Employment

1. Name of Employer .....
2. Name of Employee .....
3. Date Employment began .....
4. Wage and Method of Calculation .....
5. Interval at which wages are paid .....
6. Normal Hours of work .....
7. Short description of employee's work .....
8. Probation Period .....
9. Annual Holiday Entitlement .....
10. Paid Public Holiday .....
11. Payment during sickness .....
12. Maternity Leave (if employee female) .....
13. Nursing Break Entitlement (for female employee) .....
14. Notice employee entitled to receive .....
15. Notice employer required to give .....
16. Any other matter either party wishes to include .....

**Notes:**

- (a) An employee is free to join a trade union or staff association, which is recognized by the undertaking. The address of the Trade Union or Staff Association is:
- (b) The grievance procedure and disciplinary procedure in this undertaking requires to be followed when a grievance arises or disciplinary action that needs to be taken.
- (c) When any heading is inapplicable enter NIL.

.....	.....
Employer's signature	Witness
.....	.....
Employee's signature	Witness
.....	.....
Date	Date....

### Annex 4: Contractors SHE File Monitoring Form

Contractor Name; .....

**Instructions;** Tick (√) if available, put a cross (X) if unavailable. Tick (√) if there was activity, put a cross (X) if there was no activity. Tick (√) if there's evidence, put a cross (X) if there's no evidence. Make a Comment according to the changes that have taken place as reflected by availability, activity and evidence on each SHE item.

Monthly Checklist: SHE items		Available	Activity	Evidence	Comment
1	Exposure to Labor Policies,				
2	Valid Working Contract,				
3	Current Employee List				
4	Confirmation Letter Inc. copy of ID (per employee),				
5	Understanding of Resources, roles, responsibilities & authority,				
6	Inductions - all contractor staff				
7	HIRA & Reporting; Incidents, accidents & near misses				
8	Appointment letters;				
9	SHE Certificates; Safety Rep				
0	SHE Certificates; 1st Aider				
1	Mandatory Qualifications – as per the evaluation form				
2	Vehicles; Bluebook, Daily inspection sheet, Driver Permit				
3	Current Evaluation form,				
4	PPE: Branded & Properly worn at all times,				
5	Internal Communication; minutes showing meetings,				
6	Environment Management Aspects				
7	First Aid Kit: availability and usage of the form,				
8	Fire extinguisher; valid				
9	Any other				

PIU Rep .....  
 Date compiled .....  
 Contractor Rep .....  
 Date compiled .....

Signature .....  
 Signature .....

## Annex 5: Maintaining Safe and Healthy Conditions for Workers at the Labor Camps

The minimum requirements for maintaining safe and healthy conditions for workers are provided below. The contractors can follow their own OHS policies and requirements.

### First AID

Site assessment should be carried out for determining needs of first aid (no. of workers, nature of the works undertaken, hazards present, site geology and access to emergency assistance, etc). Based on needs assessment, an adequate first aid facilities shall be maintained by health & safety representative and made available in every labor camp for the emergency treatment of injured persons. Such facilities shall be in charge of a person trained to administer first aid and will be readily accessible for use at all times. The person should also be trained in Cardiopulmonary resuscitation (CPR).

The employer should ensure that qualified first-aid can be provided at all times. Appropriately equipped first-aid stations should be easily accessible throughout the place of work . Eye-wash stations and/or emergency showers should be provided close to all workstations where immediate flushing with water is the recommended first-aid response Where the scale of work or the type of activity being carried out so requires, dedicated and appropriately equipped first aid room(s) should be provided. First aid stations and rooms should be equipped with gloves, gowns, and masks for protection against direct contact with blood and other body fluids. Records for treatment should be maintained. Remote sites should have written emergency procedures in place for dealing with cases of trauma or serious illness up to the point at which patient care can be transferred to an appropriate medical facility.

### First Aid Box Contents Checklist

ITEM	Quantity Specified	Quantity Present in Box	Comment
Adhesive elastic plasters assorted 20's	1 Box		
Roller bandages-conforming 100mm	4 Rolls		
Roller bandages-conforming 75mm	4 Rolls		
CPR Mouthpieces	2		
Cotton wool 50 gram	2 Rolls		
Fabric roll plaster 25mm x3M	1 Roll		
First Aid dressing No 3 75x 100mm	4		
First Aid dressing No 4 150x 200mm	4		
Forceps- 10cm	1		
Gauze swabs 75mm x 75mm 100's	1 Packet		
Gauze swabs 75mmx75mm Sterile 5's	2 Packets		



Gloves-Latex	Large	2 Pairs		
Gloves-Latex	Medium	2 Pairs		
Hypoallergenic Adhesive Tape 3M	25mm x	1 Roll		
Safety Pins 12	Bunch of	1 Bunch		
Scissors- 10cm		1		
Splints-Straight		2		
Triangular Bandages		4		
Wound Cleaner- CENTRIMIDE 1%	100ml	1 Bottle		

1. Items in the first aid box are minimum contents as per the Occupational Health and Safety requirements.
2. Checklist must be completed every month to ensure compliance with the LMP.
3. Contents should be regularly replenished by respective department
4. Any deficiencies should be reported to the H&S Specialist or PIU Representative.

**Shelter construction & Facilities:** Beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes. All sites shall be adequate in size to prevent overcrowding of necessary structures. Each room used for sleeping purposes shall contain at least 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided. Floors shall be of smooth and tight construction. The floors shall be kept in good repair.

All living quarters shall be provided with windows, the total of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation. Where electric service is available, each habitable room in a camp shall be provided with at least one ceiling-type light fixture and at least one separate floor- or wall-type convenience outlet. Laundry and toilet rooms and rooms where people congregate shall contain at least one ceiling or wall-type fixture.

An adequate supply of running water shall be provided for bathing and laundry purposes. Laundry, handwashing, and bathing facilities shall be provided. Floors shall be of smooth finish but not slippery materials; they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove waste water and facilitate cleaning. All junctions of the curbing and the floor shall be covered. The walls and partitions of shower rooms shall be smooth and impervious to the height of splash.

**Toilet facilities:** Toilet facilities adequate for the capacity of the camp shall be provided. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or otherwise be satisfactorily ventilated. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes. Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each gender. These rooms shall be distinctly marked "for men" and "for

women" by signs printed in Urdu and Sindhi languages of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for 31 each gender are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling. Every water closet installed shall be located in a toilet room. Each toilet room shall be lighted naturally, or artificially by a safe type of lighting at all hours of the day and night. Toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.

**Water supply:** An adequate and convenient water supply, approved by the health & safety representative, shall be provided in each camp for drinking, cooking, bathing, and laundry purposes. The distribution lines shall be capable of supplying water at normal operating pressures to all fixtures for simultaneous operation. Where water under pressure is available, one or more drinking fountains shall be provided for each 100 occupants or fraction thereof.

**Kitchen and Dining Area:** A properly constructed kitchen and dining hall adequate in size, separate from the sleeping quarters of any of the workers, shall be provided in connection with all food handling facilities. There shall be no direct opening from living or sleeping quarters into a kitchen or dining hall. No person with any communicable disease shall be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or materials used therein, in any kitchen or dining room operated in connection with a camp or regularly used by persons living in a camp.

**Sewage/Drainage Facilities:** The toilets constructed at the labor camps should have associated septic tanks for primary treatment of the sewage. All sites used for camps shall be adequately drained. The camp shall be located in such manner that the drainage from and through the camp will not endanger any domestic or public water supply. All sites shall be graded, ditched, and rendered free from depressions in which water may become a nuisance. Construction and operation of kitchens, dining hall, and feeding facilities.

**Fire Fighting:** Firefighting facilities will be established in the camp to deal with the event of fire. Different types of fire extinguishers (powder, foam and carbon dioxide) will be placed at different suitable locations in the camp. These locations should be selected after a risk assessment and should be easily accessible in the event of fire. Fire alarm system providing adequate and audible warning to all the staff in the camp will be installed. The camp Plan shall include adequate escape and evacuation processes in case of fire or another emergency. This should include contingencies. Escape and rescue ways are to be kept free of any type of hurdles/barriers. All fire exits shall be distinctively marked in a language understood by the majority of the workers and in red letters of adequate size or by some other effective and clearly understood sign.

**Waste Management:** In the labor camp proper collection and disposal of solid waste will be ensured. Separate waste bins will be provided at different locations in the camp to collect organic and inorganic waste. These waste bins will be marked. The segregation of waste at source will be ensured. Inorganic waste will be stored at a safe location within the camp and organic waste will be handed over to waste collector on daily basis.

**COVID-19 SOPs:** The following SoPs related to COVID-19 will be followed in the labor camp:

- Maintain a physical distance of 6ft (2 m) minimum
- Wear a surgical mask or face covering whenever in close contact of someone. Mask shall be provided by the company free of cost
- Wash your hands-on arrival at work and regularly through the day:
- Wash hands before and after each meeting;
- No hand shaking
- Meetings are to be held in locations that allow for 4 meters distance between attendees in a closed confined space (meeting room/office block)
- Self-monitoring of health by all and reporting any illness at the earliest to the supervisor.
- Proper cleaning and frequent sanitization (at-least once a day) of the rooms, particularly of the frequently touched surfaces must be ensured.
- Proper disposal of face covers / masks / gloves left over by visitors and/or employees in covered bins, shall be ensured
- The doctor and HSE Manager in the camp shall be responsible to provide training to workers on spread of COVID-19 and control measures.