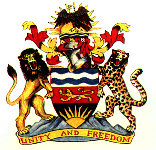
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**Government of the Republic of Malawi**

SKILLS FOR A VIBRANT ECONOMY (SAVE) PROJECT

**LABOUR MANAGEMENT PROCEDURES**

By

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**List of Acronyms**

AIDS Acquired Immuno Deficiency Syndrome

CERC Contingency Emergency Response component

COM College of Medicine

CTCs Community Technical Colleges

CSDCs Community skills development centers

COVID-19 Corona Virus Disease 2019

DCE Domasi College of Education

ESS Environmental and Social Standard

ESMP Environmental and Social Management Plans

FM Financial Management

GBV Gender based violence

GEMS Geo-Enabling initiative for Monitoring and Supervision

GRM Grievance Redress Mechanism

HIV Human Immuno Virus

HEIs Higher Education Institutions

HESGLB Higher Education Student Grants and Loans Board

ICT Information and Communication Technology

IPMT Institution Project Management Team

IDA International Development Association

ILO International Labour Organisation

IPF Investment Project Financing

LMP Labour Management procedures

LUANAR Lilongwe University of Agriculture and Narural Resources

MANEN Malawi Research and Education Network

M & E Monitoring and Evaluation

MoE Ministry of Education

MoU Memorandum of Understanding

MUST Malawi University of Science and Technology

MZUNI Mzuzu University

NCHE National Council for Higher Education

NESIP National Education Sector Investment Plan

NTCs National and Community Technical Colleges

NQF National Qualifications Framework

ODeL Open and Distance Education Learning

PA Project Appraisal

PAP Project Affected Persons

PDO Program Development Objective

PIU Project Implementation Unit

PI Participating Institutions

PPA Policy Priority Area

PPE Personal Protective Equipment

SAVE Skills for a Vibrant Economy

SEA Sexual Exploitation and Abuse

TEVET Technical, Entrepreneurial and Vocational Education

TTWG Tertiary Technical Working Group

UNIMA University of Malawi

US$/USD United States Dollar

WGRMC Workers Grievance Redress Management Committee.

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# EXECUTIVE SUMMARY

**Introduction**

These Labour Management Procedures (LMP) have been prepared as a safeguard to address labor related issues that may arise in courseof the implementation of Skills for a Vibrant Economy (SAVE) project which is to be implemented by Government of Malawi, through Ministry of Education (MoE) and Ministry of Labour. SAVE project will be implemented with financial support from the International Development Association (IDA) of the World Bank.

The main objective of LMP is to ensure that all labor issues are managed properly including occupational Safety and Health issues during the implementation of the program.

The development objective of SAVE project is to increase equitable access to labor market-relevant skills development programs in priority areas of the economy especially for females. The program scope consists of four components which contribute to the Program Development Objective (PDO), and these are: Component 1. Supporting public higher education institutions in increasing equitable access to market relevant skills development programs. Component 2. Supporting Technical, Entrepreneurial, and Vocational Education and Training to increase equitable access to market relevant skills development. Component 3. Tertiary education system strengthening, project management, M&E and communications Component 4. Contingency Emergency ResponseObjective of the Labor Management Procedures

The Malawi Government recognizes that sound worker-management relationships, fair treatment of workers, promotion of gender equality and protection from gender-based violence (GBV) and provision of safe and healthy working conditions enhances development benefits of a project. It is for this reason that these labor management procedures have been developed for the SAVE project. The objectives of the labor management procedures are to:

* To promote safety and health at work;
* To promote appropriate labor practices which include non-discrimination and equal employment opportunity to all eligible community members;
* To protect program workers, including vulnerable workers such as women, persons with disabilities, migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
* To prevent the use of all forms of forced labour and child labour;
* To support the principles of freedom of association and collective bargaining of program workers in a manner consistent with national law; and
* To provide program workers with accessible means to raise workplace grievances.

**Types of Workers for SAVE project**

It is expected that the SAVE project will engage different categories of workers in its implementation. These will include: Direct Workers (mostly Government officials), Contracted workers, Migrant workers and Primary Supply Workers, which are available at national, district and community levels.

**Workers Grievance Redress Mechanism (WGRM)**

SAVE project will have Workers Grievance Redress Mechanism (WGRM) to ensure that workers have the ability and opportunity to lodge complaints or concerns, without cost, and with the assurance of expedited and satisfactory settlement of disputes that may arise during the implementation of the program. All workers under the program will be informed of the WGRM and the procedures that will be involved. All workers, Institution’s project management team (IPMTs), community members and Contractors will have to be informed and involved in the development of WGRM within their systems.

**Code of Conduct**

All Contractors and their workers to be engaged in the implementation of SAVE project will be provided with a Standard World Bankcode of conduct that will commit them to create and maintain an environment which prevents social risks. This code of conduct aims at preventing and/ or mitigating social risks, environmental and worker health and safety riskswithin the context of the project..

**Conclusion**

These Labour Management Procedures will identify the main labor requirements and risks associated with the program implementation and help in determining the resources necessary to address program labour issues. The LMP is a living document, which is initiated early in program preparation, and is reviewed and updated throughout development and implementation of the program. The LMP were prepared as a ‘stand-alone document’ as a requirement under ESS 2 of the World Bank environmental and social framework.

# OVERVIEW OF THE SKILLS FOR A VIBRANT ECONOMY PROJECT

Skills for a Vibrant Economy Project (SAVE), is a Skills development project which is being prepared for purposes of increasing equitable access to labor market-relevant skills development programs in priority areas of the economy especially for females. The project will provide support to tertiary instituttions (universities, colleges and technical and vocational institutions) to expand access to market-relevant skills and qualifications through a combination of demand and supply interventions. The proposed period of the project is five years, from 2022 to 2026. The source of funding is a loan of US$100 million from the International Development Association (IDA) of the World Bank Group to the Government of Republic of Malawi.

The proposed project will take a demand-driven approach where relevant institutions and training centers will develop training programs to support various levels of occupations and skills from artisan to technicians and vocational trades, to managers and professionals. The focus will be on developing market-relevant skills in collaboration and/or partnership with the private sector. The proposed project will focus on women’s empowerment through ensuring increased participation of female students. Focus of this project will also be on digital technology as a mechanism to expand and improved access to skills training opportunities. This will be through promoting utilization of existing ODeL facilities in universities, colleges and technical colleges and use of innovative technology for delivery of skills training in priority areas of the economysuch as Energy, Education and skills, climate-smart agriculture, Health, Industry ICT etc.

The Skills for a Vibrant Economy (SAVE) projecthas 4 components namely:

**Component 1: Supporting Increased Access to Skills Development Programs in Higher Education**

Under this component, nine public higher education institutions (Polytechnic, Lilongwe University of Agriculture and Natural Resources, Malawi University of Science and Technology, Mzuzu University, Chancellor College, Kamuzu College of Nursing, College of Medicine, Domasi College of Education, Nalikule College of Education, will be supported to expand enrollment from almost 31,000 in 2020 to over 60,000 by 2029 in priority areas of the economy. The project will finance institutions to provide skills development opportunities offered through ODeL, face-to-face and blended models of instruction. The project will support increased market-relevance of the programs by ensuring private sector and industry engagement, updating existing curricula and developing new courses by participating institutions, expanding and improving existing infrastructure, providing students and staff opportunities for practical experience and industry attachments and supporting instructor and faculty professional development.

**Component 2. Supporting Increase in Access to TEVET Skills Development**

Under this component, the project will increase access to formal TEVET-level tertiary education in seven National Technical Colleges (Lilongwe, Soche, Salima, Nasawa, Mzuzu, Livingstonia and Namitete), selected public and private TCs and community skills development centers (CSDCs) doubling the intake capacity. This will be done by targeting youth, particularly females, strengthen training capacities in priority sectors of the economy, providing grant funding especially to female students, investing in safe and gender-friendly facilities, supporting systematic development and application of institutional gender policies, and further training of teaching staff in gender sensitization and other measures to improve attractiveness of TC training among girls. The project will also support building and rehabilitating training infrastructure, improve training quality including acquisition of needed equipment, machinery and tools or technologies, creating capacities to provide incubation services for self-employment promotion through NTCs taking their role as innovation hubs, spearheading digital skills development, deepening cooperation with industry, and piloting new curricula to serve wide variety of target groups including workers in industry, informal sector operators, unemployed, and others.

**Component 3. Tertiary education system strengthening, project management, M&E and communications**

Under this component, the project will support system-level capacity building to create a conducive policy environment for tertiary education including the provision of student financing through increased financing for student grants and loans by the Higher Education Student Grants and Loans Board, amendment of Student Grants and Loans Board Act and student financing options for TEVET. This component will also support overall project management and implementation, M&E and communications to ensure effective coordination, implementation and reporting.

**Component 4: Contingent Emergency Response**

This CERC is included under the project in accordance with Bank Policy Investment Project Financing, for situations of urgent need of assistance and rapid reallocation of financing in the event of a natural, man‐made disaster or crisis that has caused or is likely to imminently cause a major adverse economic and/or social impact.

# OBJECTIVES OF THE LABOUR MANAGEMENT PROCEDURES

Delivery of the Skills for a Vibrant Economy Projectis expected to utilize the government, private and community human resources which are available at national, district and community levels. The Malawi Government recognizes that sound worker-management relationships, fair treatment of workers, promotion of gender equality and protection of women from gender based violence (GBV) and provision of safe and healthy working conditions enhances development benefits of a project. It is for this reason that these labour management procedures have been developed for the SAVE project. The objectives of the labour management procedures are to:

* To promote safetyhealth and welfare at work;
* To promote the fair treatment, non-discrimination and equal opportunity of project workers;
* To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with World Bank ESS2 on Labor and Working Conditions) and migrant workers, contracted workers, and primary supply workers, as appropriate’
* To prevent the use of all forms of forced labour and child labour;
* To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law;
* To provide project workers with accessible means to raise workplace concerns.

This LMP applies in to all Project workers whether full-time, part-time, temporary, seasonal or migrant workers. The LMP is applicable, as per ESS2 to the Project in the following manner:

1. People employed or engaged directly by PIU to work specifically in relation to the Project;
2. People employed or engaged by contractors to perform work related to core function of the project, regardless of location;
3. People employed or engaged by the primary suppliers under this project

# ANTICIPATED LABOUR USE IN THE PROJECT

## Characteristics of Project Workers

This project is expected to utilize Government, Migrant workers,Contractorsand Consultantsand Primary supply workersas human resources which are available at national, district and community levels etc. This section includes project worker definitions of all workers (both governmental and contractors etc.) who will work or provide services during construction and operational phases of the schools.

### **Direct Project Workers (Government workers)**

Implementation of the Project will use Government workers or civil servants both at national and district council levels who will be involved either on full-time or on part-time basis. These include staff from the PIU, Ministry of Education, Ministry of Labour, Ministry of Gender, District Labour office, Environmental Affairs Department and other selected staff from the institutions to which the project will be implemented. Civil servants and PIU staff who will have been assigned to coordinate the project will be expected to work on full-time basis throughout the project while the rest of the team will be expected to render their duties whenever need arises. During Operation of the schools, Government workers from Ministries of Education, Labour and Gender, may also be involved in various capacities e.g. advisory etc.; complementing efforts of workers from the participating institutions.

### **Contracted Workers and Short-term Consultants**

The project will engage Contractors,Construction companies and Short-term Consultants under this workers category to undertake certain assignments such as assessments, systems designs and facility upgrades/construction activities. Both contracted workers and short-term consultants will be guided by specific contractual agreements between them and the Malawi Government. The timing of the scheduled works and deliverables will be stipulated in their respective contracts; with Short-term consultants, engaged on fixed number of days depending on the type and amount of work. Under contractor, workers from the locality/ area of project impact should be given priority for both skilled and unskilled labour, while ensuring there is no risk of child labour (all workers are at least 18 years old). During operation phase, short time Consultants and Artisans may also be engaged in assignments such as maintenance and other services as required from time to time.

1. **Migrant workers**

The project shall require the contractors to engage workers from the locality of the project’s impact area**.** However, where skilled workers are not available in the locality, it is expected that workers from nearby communities or other parts of the country or other country in case of expatriate labor will be involved in both construction and operation phases of the project.

1. **Primary supply workers**

All primary suppliers are formal businesses who are required to supply procured materials and/or produce materials subject to high standards as stipulated by Project’s procurement team. As part of the environmental and social assessment, any new supplier will be vetted in regard to compliance with taxes, certification, licensing, and Public Liability Certificate. In recruitment policy, considerationof primary suppliers will also be attached to meeting the relevant requirements of this LMP including. identifying potential risks of child laborto ensure that all workers are at least 18 years old. Issues of forced labor and safety which may arise in relation to primary suppliers will also be monitored and avoided in both construction and operation phases of the project.

# ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

Significant use of labour is mostly expected to arise from implementation of the sub-projects to do with construction and or maintenance and rehabilitation of facilities.The facilities that will be constructed and or rehabilitated under this project and may need significant labour engagement include but not limited to Classroom blocks/ infrastructure, workshops and laboratories and other essential facilities.However, during operation and maintenance, labour services will also be sought especially from teaching staff, technicians and ground workers. Therefore, having the project being implemented on campuses, not only project workers may be exposed to risks but also students (though they will not be involved in providing labour).

The safetyand health risks to which the workers, students and college staff may be exposed from each type of sub-project will be assessed. Even the ability to prevent or eliminate such risks or, if the risk cannot be prevented or eliminated, measures to protect workers, students and college staff from exposure will be explored. This will be done through the sub-project environmental and social screening process.

1. **Key Labour Risks**

Potential risks that may arise from the nature of activities to be undertaken include:

* Occupational Safety and Health risks during construction and operation;
* Risk of communicable diseases including Malaria and Cholera to workforce, students and staff
* Noncompliance with labor laws and regulations by the contractors;
* Influx of migrant workers;
* Gender Based Violence GBV (Sexual Harassment,Sexual Exploitation and Abuse, Rape and Discrimination)
* Violence against Children; (Child labor, Defilement, Child Marriage)
* Risk of contracting HIV and AIDS and STIs;
* Risk of Contracting COVID-19
* Risk of exposure to hazardous materials and wastes
* Risk of excess exposure to noise and vibrations
* Increased competition over resources due to influx of labor
* Discrimination and exclusion of vulnerable groups;
* Labor conflicts and work conditions

The project will address these risks by undertaking site specific risk and hazard assessments and incorporating mitigation measures for the identified risks into the environmental and social management plan for the sub-project. Some of the mitigation measures will include provision of personal protective equipment to individuals working on high risk activities or sites. The risk of child labour will be mitigated through Certification of workers’ age. This will be done by using the legally recognized documents such as National Identification Card and Birth Certificate. In circumstances where these documents are not available, the Affidavit of Birth will be used. Further, awareness raising sessions will be conducted regularly to the communities to sensitize on prohibition and negative impact of child and forced labor. Table 1 presents a summary of the possible mitigation measures for the potential identified risks.

**Table 1: Possible mitigation measures for the potential risks**

|  |  |  |
| --- | --- | --- |
| Item | Potential Risks | Mitigation measures |
| 1 | **Occupational Safety and Health Risks during construction** | * Develop OHS Management Plan and ensure its full implementation during construction phase; and Fully review and update the existing educational facility OHS Management Plan for operations phase so that is adequate and comply with national and WB OHS requirements. This should include among other activities;Provide appropriate Personal Protective Equipment (PPE) to workers; * Provide regular OHS training including safe work practices and emergency procedures to both old and new workers; * Enforce the use of PPE by workers; * Provide appropriately equipped and accessible first-aid stations at the work place * Put appropriate warning signs in areas with high risk of safety; and * Use of dust control methods such as covers, water suppression on loose materials and surfaces, or increased moisture content for open materials storage piles, to reduce particulate matter and dust exposure, * Develop Standard Operating Procedures (SOPs) to avoid risks, including putting in place an evacuation plan and drills to practice the procedure and plan.Provide firefighting equipment that is easily accessible and simple to use * Double insulate / grounding all electrical equipment used in environments that are, or may become, wet; to ensure protected circuits * Conduct detailed identification and marking of all buried electrical wiring prior to any excavation work * Manage outdoor work, temperature-related stress by monitoring weather forecasts to provide advance warning of extreme weather, scheduling work accordingly and adjustment of work and rest periods according to temperature stress management procedures * Incorporate rest and stretch breaks into work processes, and conducting job rotation * Put in place fall prevention / protection measures e.g. use of safety belts.   Facilitate the formation of Occupational safety, Health Welfare Committee at each construction site. |
| 2 | **Risk of contracting HIV and AIDS and other STIs -Risk extended to both workforce and local community** | * Sensitize workers, students and staff on HIV and AIDS and other STIs; * Provide free condoms to workers; and * Provide Information, Education and Communication materials to workers. |
| 3 | **Risk of Contracting COVID-19** | * Raise awareness on COVID-19 best practices for construction sites to workers. students and staff * Decongest workers and or students from highly congested areas/ rooms * Ensure all rooms occupied at workplace are well ventilated * Implement COVID-19 best practices for construction sites. See Annex 6 in the ESMF document. |
| 4 | **Risk of other communicable diseases. Cholera and Malaria, flue, cough, TB to workforce, students and staff** | * Sensitize workers, students and college staff on different communicable diseases and ways of preventing them; * Encourage workers and communities to go for voluntary screening/ medical check-up/testing; * Provide Information, Education and Communication materials on different communicable diseases Provide adequate supplies of potable drinking water * Provide clean eating areas where workers are not exposed to hazardous or noxious substances including germs * Provide adequate lavatory facilities * Eliminate unusable impounded water * Promote use of repellents. * Decongest workers and or students from highly congested areas/ rooms * Ensure all rooms occupied at workplace are well ventilated |
| 5 | **Non-compliance with labor laws and regulations by Contractors** | * Contractors should sign a Code of Conduct before commencement of construction works, which contains among other issues, labor related laws and regulations; and * Sensitize workers on labor related issues and regulations to ensure that they comply. |
| 6 | **Increased risk of influx of migrant workers – Competition over local resources** | * Engage all nonskilled labor force from surrounding communities to minimize the risk of migrant workers and associated negative impacts. In situations that the required skills are found within the surrounding communities these should be given priority. |
| 7 | **Gender Based Violence** | * Sensitize workers, staff and surrounding communities on dangers and prevention of Gender Based Violence; * Provide equal employment opportunities to men, women, youth and people living with disabilities; * Prepare, adopt and implement worker’s code of conduct. |
| * Sexual Harassment, | * Sensitize workers and surrounding communities on issues of Sexual harassment and rape * Put in place robust Grievance redress mechanisms and make it known to workers and surrounding communities/ implement a Workplace Policy on Sexual Harassment |
| * Rape |
| * Discrimination | * Provide equal opportunities to men, women, youth and people living with disabilities |
| 8 | **Violence against Children–** | * Sensitize surrounding communities on issues of violence against children; * Employ people that are aged 18 and above; and * Restrict workers from buying merchandise from children |
| * Child defilement | * Sensitize workers and surrounding communities on issues of Child defilement * Restrict under-aged to do business on the project site * Put in place and make known reporting mechanisms for child defilement |
| * Child labor | * Sensitize surrounding communities on issues of Child labor * Employ people that are aged 18 and above * Not engaging students in any construction related activities |
| * Child marriage | * Sensitize workers and surrounding communities on issues of Child marriage * Restrict under-aged to do business on the project site * Restrict workers from buying merchandise from children * Put in place and make known reporting mechanisms for child marriage |
| 9 | **Sexual Exploitation and Abuse – Both for workforce and local communities, particularly under aged girls** | * Prepare and implement GBV/SEA Action plan; * Carry out community sensitization; * Women and girl’s empowerment; and * Prepare, adopt and implement workers code of conduct. |
| 10 | **Discrimination and exclusion of vulnerable groups;** | * Development of Grievance Redress Mechanism (GRM); and * Implement a deliberate policy for gender equality. * Develop deliberate mechanism to monitor participation of vulnerable groups in all activities |
| 11 | **Labor disputes and conditions of employment.** | * Establishment of Grievance Redress Mechanism (GRM); and * Development of LMP. |
| 12 | **Increased competition over resources due to influx of labor** | * Employ more locals |
| 13 | **Risk of exposure to hazardous materials and wastes** | * Avoiding and minimize the use and release of hazardous materials, for example, non-hazardous materials can substitute asbestos in building materials. * Preventing uncontrolled releases of hazardous materials to the environment e.g. paint, oils etc. Indoor secure storage, and sealed containers rather than loose storage * Hazard communication and training programs to prepare workers to recognize and respond to workplace chemical hazards. |
| 14 | **Risk of exposure to excess noise and vibrations** | * Ensure exposure to noise by workers should not exceed 85 dB(A) for a duration of more than 8 hours per day without hearing protection. * Choose of equipment that is associated with low vibration and noise production, * Install vibration dampening pads or devices, * Limit duration of exposure of vibration per individual worker |

# BRIEF OVERVIEW OF LABOUR RELATEDLEGISLATION

## Occupational Safety Health and Welfare Act (1997)

The Occupational Safety Health and Welfare Act (1997) provides a framework for the conditions of employment in workplaces as regards to safety, health and welfare of workers. The Act directs the prevention of accidents occurring to persons employed or authorised to go into the workplaces or the general public; through implementation of identified mitigation measures for the identified potential hazards to safety and health. General safety facilities stipulated for most work places include the following: adequate ventilation, cleaning materials and cleanliness of workplaces, lighting, washing facilities, change rooms for some workers, sanitary conveniences and first aid kits. Both employers and employees are sensitized on basic procedures for proper use and operations of the welfare and safety facilities within work places. Non – compliance or negligence on use of work safety facilities is an offence under sections 82 and 83 of the act. Penalties include a fine of up to MK200, 000.00 and 12 months imprisonment of the offenders.

Section 56 and 57 provide guidelines for prevention fire out breaks, and control of incidences of fire outbreaks within work places. Section 57 stipulates some recommended means of fire escapes from work places such as buildings and/or offices. Among the means are properly labeled exit points and kept free of obstruction at all times. Examples are emergency escape door and emergency assembly points. Section 58 stipulates the provisions of protective clothing (such as gloves, foot wear, screens and goggles, ear muff and head covering) to protect workers from excessive exposure to nuisances with some work activities. And section 59 stipulates the provisions for breathing masks to employees against excessive emissions of dust and fumes. Such incidences are common with construction sites.

In order, to ensure that the working environment is free of health and safety risks and hazards the project shall ensure that proper mechanisms are put in place such as proper documentation and reporting of accidents and also provision of preventive and protection measure

* 1. **Employment Act (2000)**

The employment Act of 2000 reinforces and regulates minimum standards of employment with the purpose of ensuring equity necessary for enhancing industrial peace, accelerated economic growth and social justice; and for matters connected therewith and incidental thereto. Part II of the Act states fundamental principles guiding the act and these include:

*Section 4(1) - Prohibition against forced labour*

*Section 5(1) - Anti-discrimination*

*Section 6(1) - Equal pay*

*Section 7 - Remedies for infringement of fundamental rights*

Part IV of the Act prevents employment of young persons and the restrictions are provided in detail in sections 21(1) and 22(1) as follows:

“*21. (1) subject to subsection (2), no person under the age of fourteen shall be employed or work in any public or private agricultural, industrial or non-industrial undertaking or any branch thereof.*

*22. (1) No person between the age of fourteen and eighteen years shall work or be employed in any occupation or activity that is likely to be - (Hazardous work)*

*(a) harmful to the health, safety, education, morals or development of such a person; or*

*(b) prejudicial to his attendance at school or any other vocational or training programme.”*

Therefore, when employing people for the implementation of the project activities, the developer will have to ensure that that the provisions of this Act are complied with.

* 1. **The Labor Relations Act (1996)**

The Labour Relations Act promotes sound labour relations through the protection and promotion of freedom of association, encourages effective collective bargaining and promotes orderly and expeditious dispute settlement, conducive to social justice and economic development.

Part V of the Act stipulates dispute settlement procedures by presenting ways and channels of dispute resolution. Furthermore, it encourages the establishment of internal dispute handling machinery as a primary platform to receive and handle workplace matters before the involvement of a third party.

Pertaining to this, SAVE project will set up Workers Grievance Redress Management Committees within the Grievance Redress Mechanism to provide an opportunity for reporting and settlement of grievances from workers. In addition, Occupational Safety, Health and Welfare Committees shall be instituted at each construction site in order to promote contact and dialogue.

* 1. **Workers Compensation Act (2000)**

The Workers Compensation Act of 2000 provides for compensation for injuries suffered or diseases contracted by workers in the course of their employment or for death resulting from such injuries or diseases. Section 4 (1) states that if an injury, other than the contraction of a scheduled disease, arising out of and in the course of employment is caused to a worker, the employer shall, subject to this Act, be liable to pay compensation in accordance with this Act.

To comply with this Act, SAVE project will ensure that all eligible occupationally injured workers are compensated accordingly. As such, Contractors will be required to report to the nearest Labor Office every occupational accident (that incapacitates a worker from earning wages for at least7 days within 21 days of occurrence as stipulated in section 24 of Workers Compensation Act. As a means to check Contractors’ compliance on this regulation, workers under the Project and the School Management Committee will be sensitized on the provisions of the Workers Compensation Act.

* 1. **Gender Equality Act (2013)**

The Gender Equality Act, 2013, among other things, promotes gender equality, equal integration, influence, empowerment, dignity and opportunities, for men and women in all functions of society, to prohibit and provide redress for sex discrimination, harmful practices and sexual harassment. Section 7 of this Act sets a provision for workplace policy to address issues of sexual harassment. Sexual harassment may be in a form of physical conduct like rape, verbal conduct like comments on a worker’s appearance and nonverbal conduct like whistling. The main objective of this section is to eliminate all forms of sexual harassment emanating from work environments. It encourages the formation of grievance redress mechanism where sexual harassment cases are to be reported and through which all perpetrators are disciplined accordingly. Since victims of abuse are at risk of becoming trapped in a cycle of abuse, matters of sexual harassment need to be dealt with seriously, expeditiously, sensitively and confidentially. Employers have a mandate to protect all employees from sexual victimization, vengeance for reporting sexual grievances and false accusations.

To address all sexual harassment issues, SAVE Project will implement a Workplace Policy on Sexual Harassment as provided under part 7.1. of Gender Equality Act 2013, requires that persons subjected to sexual harassment exhaust internal sexual harassment procedures before commencement of prosecution or civil proceedings in the court of law. In view of this, a parallel structure to project/ stakeholdersGRM, will be deliberately put to handle all issues on SEA and GBV that will be reported from the worksite. This structure will comprise of well trained and independent persons/firm to provide advice and counseling to the victimized.

* 1. **Gender Policy (2015)**

The Gender Policy aims at guiding gender mainstreaming and women empowerment initiatives for attainment of gender equity and equality in Malawi. The policy emphasizes on inclusive approach in all developmental matters.

Policy Priority Area 7 talks of Gender Based Violence. The GBV which is especially violence against women, girls and the vulnerable groups, has been recognized by the Malawi Government as a severe impediment to social wellbeing and poverty reduction. If national development is to be achieved, then eradication of GBV is critical. For this reason, the policy statement requires that; laws and policies shall be formulated and enforced to eliminate GBV and human trafficking; response and access to socio economic services are improved to address gender based violence and human trafficking; and knowledge, attitudes and practices on Gender Based Violence are improved.

To mitigate GBV during the implementation of SAVE project, Contractors/ artisansshall be tasked to address the risks of GBV through; conducting compulsory training and awareness to workersadvising them to refrain from unacceptable conduct toward students and local community members, specifically women. These trainings can be repeated from time to time; enlighten workers about national laws that make sexual harassment and gender-based violence a punishable offence; and adopt a policy to cooperate with law enforcement agencies in investigating complaints about GBV.

Policy Priority Area (PPA) 5 talks of Gender in Governance and Human Rights. This PPA states of women’s active participation in politics and decision making positions is a right and ensures good governance, transparency and accountability. Women and men should be equally represented in politics and decision making positions to fully realize democracy and achieve sound governance and sustainable development in Malawi.

Deliberate actions need to be adopted to make sure that women and youth are included in decision making positions and in economic activities. For this reason, SAVE project is going to give priority to women with construction skills to take part in civil works activities. In the same scenario, all committees for SAVE, will have a quota for women inclusion.

* 1. **HIV/AIDS (Prevention and Management) Act (2017)**

This Act make provision for the prevention and management of HIV and AIDS; to provide for the rights and obligations of persons living with HIV or affected by HIV and AIDS; to provide for the establishment of the National AIDS Commission; and to provide for matters incidental thereto or connected therewith

This Act specifies the following among other issues;

* Responsibilities of Minister with regards to HIV/AIDS issues, prevention and management
* Prohibition of harmful practices that can expose others to contracting HIV/AIDS
* Issues of Subjecting another to a harmful practice(s)
* HIV and AIDS discrimination
* Rights and duties of persons living with or vulnerable to contracting HIV
* Rights of persons affected with HIV
* Right to privacy and confidentiality
* HIV transmission and testing

Subject to section 26, a person who is living with HIV or vulnerable to contracting HIV, has right to (a) dignity, physical integrity, life and health; (b) practice a profession of choice; (c) compensation associated with the restriction of his enjoyment of his rights; and (d) free medication, at a State medical institution, necessary for anti-retroviral therapy or treatment of an HIV related disease. Additionally, the law prohibits discrimination on a basis related to HIV or AIDS**.** This implies that even those living with HIV or Vulnerable, will be accepted to be employed within the project without discrimination. For those already affected, shall be allowed to access treatment according to law.

Furthermore, this Act, recognized modes of transmission of HIV as through (a) sexual activity; (b) mother to child during pregnancy, labour, delivery or breastfeeding; (c) transfusion of infected blood; (d) transplant of an infected organ; (e) contact of broken skin or mucus membrane with infected blood, blood products or tissue; and (f) contact of broken skin or mucus membrane with contaminated wet objects. Relevant to this project, sexual activity as the main modes of transmission of HIV within the project sites is recognized. The project should therefore engage in sensitizations on dangers of engaging in sexual activities and harassment among workers and students in the institutions; including providing condoms to enable prevention of infections in places where the project will be implemented.

The act also specifies on modes of HIV testing to include (a) Voluntary Counseling and Testing; (b) routine testing; (c) diagnostic testing; (d) compulsory testing; and (e) any other mode of HIV testing that the Minister may prescribe. With regards to this project, efforts should be put in place to enable voluntary counselling and testing and routine testing.

Through this Act, The Developer of SAVE project should ensure that no worker is discriminated or denied to practice a profession of choice due to their HIV status. Additionally, HIV/AIDS workplace policy should be in place in all sub-projects. This policy will then facilitate actions for prevention and management of HIV/AIDS at work place.

* 1. **Malawi National HIV and AIDS Policy (2003)**

The Malawi National HIV and AIDS policy’s main goal is to prevent HIV/AIDS infections, to reduce vulnerability to HIV/ AIDS, to improve the provision of treatment, care and support for people living with HIV/AIDS and to mitigate the socio-economic impact of HIV/AIDS on individuals, families, communities and the nation.

Chapter 7 of the Policy observes that in workplaces unfair discrimination against people living with HIV and AIDS has been perpetuated through practices such as pre-employment HIV/AIDS testing, dismissal for being HIV/AIDS positive and the denial of employee benefits if known to be infected. HIV/AIDS affects every workplace. Absenteeism and death impact on productivity, employee benefits, production costs and workplace morale.

The program will have the potential to create job opportunities to the locals that will make them have disposable income and this can lead to sexual interaction between workers which will likely cause spread of HIV/AIDS. As a way of implementing the Malawi National HIV/AIDS policy, the proponent will implement an HIV/AIDS workplace policy and prevention, treatment, care, support and impact mitigation programmes as one way of effectively reducing and managing the impact of HIV/AIDS in the work place

* 1. **Malawi Public Health (Coronavirus and Covid-19) Prevention, Containment and Management Rules (2020)**

On 7 august 2020, the Government of Malawi gazetted Public Health (COVID-19) prevention, containment and management rules which came into force on Saturday 8 August 2020. The rules contain general preventive measures to contain the escalation of COVID-19 in various sectors including the work place. Following this, are the guidelines for different sites including construction, where SAVE project sub-activities falls into. The measures states in these COVID-19 rules include mandatory wearing of face masks in public places, physical distancing of at least one meter from each other and washing hands with soap. The measures also include restrictions to gatherings of more than fifty people except for national assembly and meetings to discuss COVID-19. Observations have shown that Workplaces are amongst places where COVID-19spread has thrived and spread of COVID-19 among workers has been common.

During the course of SAVE project implementation, the COVID-19 guidelines for construction sites (See Annex 4)have to be strictly followedin all sites, including any other rules and regulations which may be introduced by Government in a bid to prevent and/or contain and manage COVID-19 spread among workers

* 1. **Child Care, Protection and Justice Act (2010)**

This Act consolidate the law relating to children by making provision for child care and protection and for child justice; and for matters of social development of the child and for connected matters. The Act was assented in July, 2010 with among other objectives, to **eliminate child labour, protect children and young persons and** provide for grounds of care and supervision of proceedings in the event of violence against children.

Work places are amongst grounds where violence against children can thrive through child labour. It is on this background that the employers under SAVE project should only consider those that are 18 years and above for employment to avoid child labour and or potential violence against children at workplace.

Part II of the Act further presents the obligations of the members of the community with regards to Child care and protection. The Act indicates that “*If a member of the community believes on reasonable grounds that a child is physically, psychologically or emotionally injured, abandoned, or exposed, or is sexually abused, he/she shall immediately inform a chief, a police officer or a social welfare officer”.* Through this project therefore, members of the surrounding communities will be sensitized on violence against children and the need to report such cases to responsible officers as stipulated in the act. This is to make sure that the activities implemented under SAVE project, are child labour free.

## International Labour Organization (ILO) and United Nations (UN) Conventions

Malawi is a signatory to International Labor Organization (ILO) and United Nations (UN) Conventions. Such being the case, most of the provisions in the ILO Conventions are incorporated in Malawi’s labor related legislation. Additionally, ESS2 is in part informed by several International Labour Organization (ILO) and United Nations (UN) Conventions. These include:

* ILO Convention 87 on Freedom of Association and Protection of the Right to Organize;
* ILO Convention 98 on the Right to Organize and Collective Bargaining;
* ILO Convention 29 on Forced Labor;
* ILO Convention 105 on the Abolition of Forced Labor;
* ILO Convention 138 on Minimum Age (of Employment);
* ILO Convention 182 on the Worst Forms of Child Labor;
* ILO Convention 100 on Equal Remuneration;
* ILO Convention 111 on Discrimination (Employment and Occupation).
* ILO Convention 155 on Occupational Safety and Health
* ILO Convention 187 on Promotional Framework on Occupational Safety and Health
  1. **World Bank Environmental and Social Standard 2: Labour and Working Conditions**

This standard recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.

The Objectives of this standard includes;

* To promote safety and health at work.
* To promote the fair treatment, nondiscrimination and equal opportunity of project workers.
* To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.
* To prevent the use of all forms of forced labor and child labor.
* To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
* To provide project workers with accessible means to raise workplace concerns.

The scope of application of ESS2 depends on the type of employment relationship between the Borrower and the project workers; such that ESS2 applies to project workers including full time, part-time, temporary, seasonal and migrant workers. These workers can be in the categories of Direct workers, Contracted workers, Community workers, Primary supply workers etc.; except children under the age of 18. This is aimed at Protecting the work force and ensuring Occupational, Health and Safety of the workers is enhanced. With the nature of SAVE project, almost all the categories of workers will be involved at one stage of the project or another. ESS2 and its respective adherence is therefore important and therefore the Labour Management Procedures (LMP) have been developed to guide the project design and implementation in a bid to Protecting the Work Force and enhance Occupational, Health and Safety of the workers. Thus, the Labour Management procedures includes sections on Occupational, Health and Safety (OHS) including recommending use of specific instruments/ procedures that are prepared and/or administered prior to commencement of workse.g. codes of conduct; safety training and COVID prevention and management requirements at construction sites. Other issues of consideration will be on terms and conditions of employment, non-discrimination, equal opportunity and the Project need to comply with the WB EHS General Guidelines

Additionally, the ESS2 provides for workers related Grievance mechanism so as to provide a platform of raising workplace concerns and its respective ways of redressing the grievances. A work related grievance mechanism is therefore provided in this document for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns in relation to SAVE project implementation. Measures will have to be put in place to make the grievance mechanism easily accessible to SAVE project workers (See workers GRM form is attached as Annex 3) and design ways to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned, without any retribution, and carried out in an independent and objective manner.Table 2 compares ESS2 and National Labour related pieces of legislation.

Table 2: **Comparison between ESS2 and Malawi Labour Related Legislation**

|  |  |  |
| --- | --- | --- |
|  | **ESS2** | **Malawi Legislation** |
| 1 | Fundamental employee rights, non-discrimination | This is provided for under Part II of the Labour Relations Act (1996) |
| 2 | Contractual arrangements, terms and working conditions of workers | This is provided for under PartV and VI of Employment Act (2000) |
| 3 | Working hours | This is provided for under Part VI of Employment Act (2000) specifically Sections 36 which is on ‘Normal working hours, weekly rest etc”; and Section 37 on ‘Maximum daily working hours’. |
| 4 | Salaries and wages and frequency of payments | This is provided for under Part VII of Employment Act (2000) specifically on Sections 50 to 55 |
| 5 | Leave provisions – annual, maternity, sick and holidays | This is covered in Employment Act (2000) specifically under Part VI (sections 40,44,45,46 and 47) |
| 6 | Retrenchment/termination of contract arrangements | This is provided for Under Part V Sections 28, to 31 of the Employment Act of 2000, Employment (Amendment) Act 2010 |
| 7 | Prohibition against all forms of child labour | This is provided for under Part IV of the Employment Act of 2000 on ‘Employment on young persons’ specifically in sections 21 to 24 and in Child Care, Protection and Justice Act of 2010. |
| 8 | Prohibition against forced labour | This is provided for under Part II of Employment Act (2000), specifically on section 4 |
| 9 | Freedom or association and labor unions; | This is provided for under Part II of the Labour Relations Act (1996) |
| 10 | Dispute resolution/grievance management systems | This is provided for under Part V of the Labour Relations Act (1996) |
| 11 | Safety provisions | Covered under Part V and VI of the Occupational Safety, Health and Welfare Act of 1997 |
| 12 | Health and employee welfare provisions | This is provided for under Part IV and VI of the Occupational Safety, Health and Welfare Act of 1997 |

Much as most labour related issues captured in ESS2 are also stipulated in the labour related national policies/ legislation; there also exist a gap. Thus, the national legislation does not mention the need to develop Labour Management Procedures including therequirement for worker’s grievance mechanism to be established as early as possible in the project development phase as is the case of ESS2. This document is the Labour Management Procedures prepared for SAVE project in line with ESS2.

# GENDER BASED VIOLENCE AND SEXUAL EXPLOITATION AND ABUSE (GBV AND SEA)

Gender Based Violence is defined as any conduct, comment, gesture, or contact perpetrated by an individual based on gender on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.

Much as the implementation of SAVE project will improve socio-economic status of those working under the project through wages or salaries, it also has potential to cause GBV and SEA due to that the project will seek to involve both men and women and will be implemented on campus. SEA and harassment may take place at workplace when individuals who are charged with responsibility of employing or supervising others lure members of opposite sex to have sex with them in exchange for employment or some favors, The project being implemented on campus, SEA may also emerge as the project workers woo students to have sex with them and/or display conduct or gesture that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to students of opposite sex without their consent.

Other GBV/SEAincidences may arise especially in situations whereby when particular workers have received salaries or wages and are forced to surrender the cash to spousesor cases of forced sexual relationships in return for employment. .The payments may also be used to lure adolescents, students and children into unsafe sexual practices.

The projectwill carry out GBV and SEA risk assessment at all specific projectimpact areas in order to develop and implement GBV/SEA action plans for mitigating GBV and SEA issues. The mitigation actions shall include regular sessions to create awareness about the forms of GBV and SEA and its negative effects among workers, students and nearby local communities. In all cases, the incidents of GBV/SEA will be reported and dealt with through a GRM procedure, which will have protocols to manage information sharing and confidentiality of the survivors and accused persons.

Nevertheless, since GBV/SEA cases are substantively different from other complaints that are typically handled through the normal workers or stakeholder’sgrievance redress mechanisms, such cases will need a specific channel within the Stakeholders or Workers GRM for their management (depending on whether the offender is a worker or not). This may involve students and/or members of the surrounding communities (depending on who has been affected)choosing a focal person among themselves. This focal person will then be known by all students, surrounding local communities and workers to enable victims of GBV/SEA to report their cases. However, in all this, all information will have to be treated as confidential.The specially formed GRM committee will be oriented on how to approach and refer GBV/SEA survivors to a safe and ethical GBV/SEA service provider.Consequently, some of the GBV/SEA cases such as those on rape may be criminal in nature. These cases then will be reported to police directly and immediately, as delays by reporting to GBV/SEA focal person, may lead to destruction of evidence. All cases however, will be reported to the PIU within 24hours

The detailed description of how the program will employ GRM address different issues among which are GBV and SEA are included in the Section 5 of stakeholder engagement plan (SEP).

# POLICIES AND PROCEDURES

This section outlines the main policies and procedures to be followed during SAVE project implementation especially during construction and operations. When need arises, this section will be updated.

* 1. **General Policies and Procedures**

The Skills for A Vibrant Economy project (SAVE)implementation will be guided by all national labour related laws presented in Chapter 5 including the World Bank Standard on Labour and Working Conditions (ESS2) and the International Labour Organization (ILO) conventions to which Malawi is a party.

The principles and procedures presented below represent the basic requirements but should not be considered an exhaustive list of requirements. As specified in the legal framework presented in Chapter 5 of this procedure, employment of program workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including; recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment.

The following minimum requirements shall therefore guide the recruitment and management of program workers:

* Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender;
* All vacancies for recruitment of skilled and unskilled workers, Lecturers, Trainers, artisans, security personnel and Contractors and Consultants, will be advertised through posts and public announcements in all the program impact areas e.g. on the Universities and Colleges notice boards, churches/ mosques, online and any other places deemed accessible by people. Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post;
* All contract 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 labour will be preferentially recruited from the affected communities:
* Where notice of termination of contract is applicable, a party to terminate the contract will give the other party notice prior to date of contract termination in accordance with section 29 of Employment Act, 2000.The contracted workers will not be required to pay any hiring fees;
* Depending on the origin of the employer and employee, employment terms and conditions will be communicated in a language that is understandable to both parties;
* In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulties in understanding the documentation;
* Interpretation will be provided for workers as necessary. It is noted that language-related problems are not expected; and
* All workers will be at least 18 years old.

MoE will develop Worker’s Code of Conduct that will be adopted and implemented by all workers. The code of conduct aims at preventing and/or mitigating social risks within the context of the program. The suggested content of the Code of Conduct is included in the World Bank Standard Procurement Documents.

## Occupational Health and Safety (OSH) compliance

The requirements of the Environmental and Social Standard 2 on Occupational Health and Safety will be complied with through carrying out of site-specific risk assessments and development of appropriate risk prevention and mitigation measures (OHS management plan/procedures). Thus, OHS Management Plansdeveloped and fully implemented at both construction and operational phases, are amongst the key actions that need to be undertaken, to ensure adequacy and compliance with national and WB OHS requirements. With regards to the OHS plans at these two phases, (1) each subproject construction contractor will have to prepare and implement adequate OHS plans (and such plans shall be approved by relevant entity and monitored for implementation); and (2) that each educational facilities shall review/update/develop adequate OHS related operation plans, procedures and equipment. Other than construction stage only, it is key for operational phase educational facilities to also have plans, procedures and appropriate equipment to properly respond to safety risks due to natural and man-made. This may however, need for some type of assessment/audit of existing educational facility operational phase plans, and update them as needed.

Additionally, as part OHS management plan/ procedures, risk prevention and mitigation measures will have to be specified and the project will seek to eliminate, control and minimize the hazard before prevention by among other measures, provision of personal protective equipment (PPE). Appropriate PPE will be provided to workers who are tasked to carry out specific work in specific areas that require PPE. This will be followed by trainings of workers by the Contractors, with the help of IPMTs and Malawi Government, on the use of PPE.The following personal protective equipment are amongst those that will be mandatory for all construction workers:

**Table 3 : Mandatory Personal Protective Equipment**

|  |  |  |
| --- | --- | --- |
| **Type of PPE** | | **Type of workers** |
|  | Hard Hat | All construction workers |
|  | Gum Boots/safety boots | All construction workers and Security Personnel |
|  | Reflectors | All construction workers and Security Personnel |
|  | Dust Masks | Construction workers particularly those involved in land clearing, trenching and excavation and concrete mixing |
|  | Gloves | All Construction workers |
| 13,833 Ear Protection Photos - Free & Royalty-Free Stock Photos from  Dreamstime | Ear muffs | Construction workers particularly operating heavy machinery |
|  | Safety Goggles | Construction workers particularly those involved in land clearing, trenching and excavation, concrete mixing and welding |
|  | Cloth or surgical masks | All workers in the programme for control of spread of COVID-19 |
|  | First Aid Kit | Accessible to all workers |
|  | Overalls/ Work suits | All construction workers |
|  | Raincoats | All Security Personnel |

During operations and maintenance, measures that deal and/or prevent OHS risks will also have to be implemented. During this stage, the anticipated risks are mainly those related to natural disasters/events or man-made events (eg, fires, etc.). it is therefore important to ensure that work place structures should are designed and constructed to withstand the expected risks and area(s) have been designated for safe refuge, if appropriate. Standard Operating Procedures (SOPs) should also be developed for the project, including an evacuation plan.

# Responsibilities and Reporting OHS Incidents and Accidents

The requirements and responsibilities for reporting incidents and accidents as per ESCP recommendation are summarized below;

Immediate reporting of OHS significant events and accidents is an integral part of the project implementation as per Environmental and Social Commitment Plan(ESCP) requirement of the project. Ministry of Labour, Ministry of Education and the PIU have the responsibility for reporting Incidents and accidents as well as regular reporting of the project as per SAVE project ESCP.

With respect to reporting incidents and accidents, the following procedures have to be followed;

Promptly notify the Association of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, students, education establishment staff, local communities, the public or workers.

Provide sufficient detail regarding the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and supervising entity, as appropriate.

Subsequently, as per the Authorities request, prepare a report on the incident or accident and propose any measures to prevent its recurrence.

Notify the Bank within 48 hours after learning of the incident or accident with the submission of any required subsequent report within a timeframe acceptable to the Authorities, as requested.

Other than incident/accident based reporting, regular reporting of OHS issues also has to be undertaken. This can be done through preparing and submitting regular monitoring reportsto the Association on the environmental, social, health and safety (ESHS) performance of the Project. This should be done in tandem with reporting of other aspects of the project e.g. status of implementation of the project, status of preparation and implementation of E&S documents required under the ESCP, stakeholder engagement activities, functioning of the grievance mechanism(s) etc..

# AGE OF EMPLOYMENT

The Employment Act (2000) sets the minimum age of persons to enter into employment in Malawi as 18. This is also stipulated in the International Labour Organization Convention (138) on minimum age. These two legislations prohibit the employment of underage children. However, according to Section 21 of the Employment Act, children between the ages of 14 and18 are allowed to participate in light work so long as it does not interfere with the child’s education or harm the child’s health or physical, mental, spiritual, moral or social development. Under the SAVE project, children under the age of 18 will **NOT** be employed to work in different sub-project activities because the activities are not regarded as light work. National Identity card will be used to verify the age of workers. The following procedure will be followed if a child is employed:

* Underage workers identified will be removed; and
* The culprits of child labour shall be reported to relevant authorities where child labour issues are handled e.g.to the Labour Office.

All these conditions will be included in the codes of Conduct which will be signed by Contractors and all artisans to ensure that the conditions are not only enforceable but are also legally binding. Further, awareness raising sessions will be conducted regularly to the communities to sensitize them on prohibition and negative impact of child and forced labour.

# WORKERS GRIEVANCE REDRESS MECHANISMS

SAVE project will have Workers Grievance Redress Management committee (WGRMC) within the program’s Grievance Redress Mechanism (GRM) to ensure that workers for the Contractors have the ability and opportunity to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of issues. All workers for the contractors under the project will be informed of the WGRMC and the procedures that will be involved. These workers will be informed about the procedures during recruitment and in the course of the work.

In order to resolve all grievances effectively, SAVE project will establish Workers Grievance Redress and Management Committees at National, Institutional level and the actual project site. These committees will ensure the capturing and resolution of all issues within the prescribed timeframes. The Workers Grievance Redress Management Committee (WGRMC) will be from the actual project siteand will handle all types of work-related grievances arising from implementation site of all the sub-projects under SAVE.Institutions Grievance Redress Management Committee (IGRMC) will be at participating institution level and at National level, there shall be a PIUGRMC. With respect to IGRMC, the already existing Institutional GRMC will be used while just adding relevant members as suggested to form the committee including a Member representing the workers. New IGRMC will only be formed if the participating institution has no GRM committee in place.

Examples of Grievances that may come from workers include:

1. Unfair dismissal from work;
2. Suspected corruption and theft cases;
3. Lower wages than the minimum set by labour related legislation in Malawi;
4. Delayed wages;
5. Long Working hours;
6. Violence against children;
7. Gender based violence; and
8. Sexual exploitation and abuse
9. discrimination.

All complaints/concerns from the, will initially be lodged through the WGRMC , then IGRMC, and in the event that the Project Affected Persons (PAPs) has reservations to present their grievances to the GRM committees, they can report their grievances to PIUGRC.

## Work Related GRM Stages

The Workers grievance procedure will have five major stages. These stages include: (i) the complaint or grievance uptake (ii) Assessment, analysis and response (iii) Resolution and closure (iv) Registry and monitoring (v) GRM Evaluation.

**Stage 1: Complaint Uptake:**

Employed workers will present their complaints or grievances to the Workers Grievance Redress Management Committee (WGRMC), at the actual project site. The WGRMC will record all received complaints or grievances in a workers’ Log and Resolution form as attached in Annex 3. The case shall only be referred to Institutional Grievance Redress Management Committee (IGRMC) when it has not been resolved at WGRMC. One committee member from the workers will undertake the responsibility to ensure the cases are followed up and feedback is provided.

**Stage 2: Assessment, Analysis and Response**:

When a complaint is received, a maximum of 5 days has been set for the WGRMC to resolve the complaint or respond to the complainant. This is so to make sure that grievances/complaints are resolved as early as possible.

Once a complaint is received, the WGRMC shall assess whether the complaint or grievance is related to SAVE activity implementation or not. In a situation where the complaints are not related to the project, complainant shall be advised to channel their complaints to the right institutions. If complaint is related to SAVE activities, the WGRMC shall hear such cases and make necessary follow ups to gather evidence and make necessary determination. The outcome of the analysis shall be communicated to the complainant.

**Stage 3: Resolution and Closure**:

Where a resolution has been arrived at and the complainant accepts the resolution, the complainant shall be required to sign the resolution and closure section in Workers Grievance Log and Resolution Form. The chairperson of the WGRMC shall also be required to counter sign. This shall signify that the complaint or grievance which was presented, has been fully discussed, resolved and closed.

**Stage 4: GRM Registry**

A register shall be kept at all levels of WGRM to ensure proper record of all complaints and their resolutions. For any case heard, closed or referred at the WGRMC, a copy of logs and resolution forms for every case shall be submitted to the two upper levels for records, i.e. the IGRMC and the PIUGRMC.

Similarly, if a case is handled at IGRMC, a copy shall be sent to PIUGRMC and another to WGRMC to notify them how the referred case was handled. This shall enable the Institutions to keep a register, of all cases recoded and handled by any GRM committee in their Institution. Using this information, Institutions will be able to generate a matrix of cases and agreed resolutions and be able to follow up if the resolutions are being implemented.

**Stage 5: GRM Evaluation**

The Workers GRM evaluation can be undertaken alongside any other evaluation exercise for the program. This will be possible using copies of registers that Institutions and SAVESecretariat will be keeping. This may assist to trace whether the Workers GRM system was efficient and effective to respond to worker’s complaints and whether the GRM principles were met during the program implementation.

The grievance redress mechanism shall contribute a lot to the efficient running of the project activities as it shall assist to investigate complaints and bring up a much clear version of the complaint at an earliest time possible, provide a fair and speedy means of dealing with complaints, prevent minor disagreements from developing into more serious disputes, thereby, providing a simple, speedy and cost-effective mechanism of re-installing satisfaction to the ones that were affected.

## Processes and Institutional Arrangements

The Grievance redress system for workers shall have structures at three levels: WGRMC at Project site level; IGRMC at Institutional level. If the IGRMC is already existing for other existing programs, SAVE project will use that committee but if it’s not there then, one is going to be established. Lastly, the PIUGRMC at national level will be established. Membership of GRMCs at different levels and institutions will depend on whether the Institution has centralised or decentralised Governance system.

## Technical Colleges, Public colleges and public universities Governance

Public Community Colleges and National Technical colleges in Malawi are managed by TEVETA under the Ministry of Labour. This can entail that these Colleges are centralized in nature and decision making is mostly done by their mother body TEVETA. Though this is the case, each Technical or Community college has an overall Manager or Principal, though it still reportsto mother body TEVETA for further decision making. This situation is not very different fromthe Governance of University of Malawi (comprising Chancellor College, The Polytechnic, College of Medicine and Kamuzu College of Nursing) before unbundling it into individual Universities. However, the stand alone Universities and Colleges such as Mzuzu University, Lilongwe University of Agriculture and Natural Resources, Domasi College of Education, Nalikule College of Education etc., have decentralized systems where decisions are made within the University or College. This Governance types has got an implication on designing a Grievance redress mechanism committee at Institutional level. In the case where the Governance type is centralized, the mother body of the Institution has to have representation in the GRM committee

The representatives making up the GRM committees at different levels will be as follows:

**Workers Grievance Redress Management Committee (WGRMC)**

1. Two worker representatives;
2. Two representatives from the Contractor side including Clerk of Works;
3. Two representatives from Institution Project management team (IPMT);

**Institutional Grievances Redress Management Committee (IGRMC)**

1. Director/ Principal of the Institution
2. SAVE project Coordinator
3. The Institutional Project Manager/ Institution Estates Development Officer/
4. Workers Representative
5. Contractor Representative
6. Student Representative
7. Surrounding community Representative
8. Representative from mother body (for Centralised institutions- TEVETA/UNIMA office)

**Program Implementation Unit Grievances Redress Management Committee (PIUGRMC)**

1. Ministry of Education representative
2. Ministry of Labour representative
3. Malawi Environmental Protection Agency (MEPA) representative
4. Environmental Safeguard Specialist
5. Social Safeguard Specialist
6. SAVE project Coordinator
7. Education Infrastructure Management Unit representative
8. Representative from Ministry of Home Affairs
9. Representative from Ministry of Justice
10. Representative from Ministry of Gender
11. Representative from Concerned Institution
12. Representative from mother body institution for Centralised Institution- TEVETA/UNIMA office)

PIU in collaboration with Institution shall establish and orient all the WGRMCs. The Contractor andworkers shall be sensitized of the existence of GRMCs. The committee at this level shall record, vet and hear cases as submitted to them by complainants. If the complainant is satisfied with the resolution, the case will be closed.

If cases at the WGRMC are not closed, the grievances shall be referred to the IGRMC. The complainant shall be communicated that his/her issue was referred to the upper committee for hearing. The DGRMC shall receive and record the cases as referred to them by the WGRMC. This committee shall hear the case from the complainant and review the decision made by WGRMC. If the complainant is satisfied with the decision, the case will be closed.

If the case was not closed at IGRMC, the case will be referred to the PIUGRMC. The PIUGRMC shall record the grievances in the Grievance Log & Resolution Form (Annex 4). The PIUGRMC shall invite the affected person to hear the case and also review the decisions made earlier by the two lower committees. Where need be, the PIU shall liaise with Program Steering Committee (PSC) so that a resolution should be made for the case at hand. If the PAP shall accept the resolution made, the case shall therefore be closed at this level.

Where the case was not closed at PIUGRMC level, the complainant shall be advised to seek justice from the Court of Law and the decision made by the Court of Law shall be final. Some cases such as rape and theft which need evidence in the court may go straight to court by complainant to avoid destruction of evidence required legally.

The general form that can be used for Grievance Uptake and Resolution is presented in Annex 3; while Figure 1 provides a summary of the processes and Institutional arrangement for SAVE project Grievance Redress Mechanism

**Step 5 - Civil Courts**

Worker has right to sue if all levels failed to resolve the issue

**Step 4- Day 4 and 5**

PIUGRMC reviews decisions by lower committees & rehears the case

PC/SEAppraised of Reports

Worker Agrees & No further Action

Referral

Institution Director/ Appraised Outcome

Worker Agrees & No further Action

**Step 3-Day 3**

IGRM Reviews decision by lower committee & rehears the case

Referred

Worker Agrees & No further Action

Contractor

Appraised Outcome

**Step 2-Day 2**

WGRMC hears & addresses cases

Irrelevant cases are Filtered &Referred to their Respective Committees

**Step 1-day 1**

WGRMC

Worker Lodge Grievances & Recording is done

Police/Court

**Step 0**

Worker with Complaints/Grievances

If criminal e.g. Rape

**Figure 1**: Processes and Institutional arrangement for SAVE project Grievance Redress Mechanism

# CONTRACTOR MANAGEMENT

The project anticipates contraction of construction service providers to be engaged in the construction and rehabilitation subcomponent. The contractors will have personnel who will be involved in the works in various institutions.

In order to ensure fair competition and transparency, the selection of contractors will be based on the Government of Malawi’s Public Procurement and Disposal of Assets Authority (PPDA) procedures which regulate the engagement of contractors. This includes:

* Competitive bidding through transparent open advertising;
* Shortlisting and selection of contractors and
* Contractual signing.

The PIU will ensure that the requirements of the Environmental and Social Standard (ESS 2) and non-compliance remedies are incorporated into contractual agreements. Contractors will be required to develop and sign a contractors’ ESMP that will also include issues of code of conduct, GBV, SE, child labour and GRM at contractor’s worksite. Similarly, it will ensure that issues concerning subcontracting are done with the consent of the Government. In ensuring that there is compliance with the requirements of ESS 2 by service providers, the project will regularly monitor and evaluate activities of contractors in line with SAVE project M & E and ESM frameworks. The project will also strengthen awareness among workers to ensure that they are aware of their entitlementsxx

## Code of Conduct

The code of conduct aims at preventing and/ or mitigating social risks within the context of the project. The social risks that may arise include but not limited to GBV; VAC; HIV/AIDS infection and prevention and Occupational Health and Safety.

Contractors who may be engaged under the SAVE project will be required to develop and implement a code of conduct that will commit them to create and maintain an environment which prevents social risks. The developed code of conduct will be reviewed by the Bank. The contractor will be required to communicate clearly to all those engaged on the project the behaviors which guard against any form of abuse and exploitation in order to prevent social risks. A Sample of the outline of the Code of Conduct is provided in Annex 2.

# REFERENCES

1. Government of Malawi (1997). The Occupation Safety Health and Welfare Act. Ministry of Labour, Youth, Sports and Manpower Development, Lilongwe, Malawi.
2. Government of Malawi (2000). The Employment Act. Ministry of Labour, Youth, Sports and Manpower Development, Lilongwe, Malawi.
3. Government of Malawi (2004). The National HIV and AIDS Policy. National AIDS Commission, Office of the President and Cabinet, Lilongwe, Malawi.
4. Government of Malawi (2017). HIV/AIDS (Prevention and Management) Act,National AIDS Commission, Office of the President and Cabinet, Lilongwe, Malawi.
5. Government of Malawi (2013). The Gender Equality Act. Ministry of Gender, Children, Disability and Social Welfare, Lilongwe, Malawi.
6. Government of Malawi (2015). The National Gender Policy. Ministry of Gender, Children, Disability and Social Welfare, Lilongwe, Malawi.
7. Government of Malawi (2020), Malawi Public Health (Coronavirus and Covid-19) Prevention, Containment and Management Rules. Ministry of Health, Lilongwe
8. Government of Malawi (1996), Labour Relations Act, Ministry of Labour, Lilongwe.
9. Government of Malawi (2020),Child Care, Protection and Justice Act ; Ministry of Gender, Children, Disability and Social Welfare, Lilongwe, Malawi.
10. Government of Malawi (2000),Workers Compensation Act, Ministry of Labour, Lilongwe.
11. International Labor Organization (ILO) and United Nations (UN) Conventions
12. The World Bank (2017), Environmental and Social Framework, 1818 H Street NW, Washington, DC 20433, USA

# ANNEX 1: SAMPLE OF A CONTRACTORS CODE OF CONDUCT FOR SUB- PROJECTS UNDER SAVE PROJECT

1.0. AIM OF THE CODE OF CONDUCT

The main aim of the Code of Conduct is to prevent and/or mitigate the social risks within the context of infrastructure development interventions for the SAVE project. The Codes of Conduct are to be adopted by contractors. The social risks that may arise include but not limited to Gender Based Violence (GBV), Violence Against Children (VAC), HIV and AIDS infection/spread, and occupational health and safety.

2.0 KEY DEFINITIONS

The following definitions apply:

Gender-Based Violence (GBV)

This is defined as any conduct, comment, gesture, or contact perpetrated by an individual (the perpetrator) on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual (the survivor) without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.

Violence Against Children (VAC)

This may be defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18), including using for profit, labour, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any mediums.

Child Labour

This involves employment of underage. Any person under the age of 18 should not be employed in the project sites.

Child Protection (CP)

An activity or initiative designed to protect children from any form of harm, particularly arising from VAC, and child labour.

Child

The word is used interchangeably with the term ‘minor’ and, in accordance with the United Nations Glossary on Sexual Exploitation and Abuse, refers to a person under the age of 18.

Grooming

This is defined as behaviours that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for instance by encouraging romantic feelings or exposing the child to sexual concepts through pornography).

Online Grooming

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

Survivor/Survivors

This is defined as the person(s) adversely affected by GBV, VAC, and child labour. Women, men and children can be survivors of GBV, VAC, and child labour.

Perpetrator

This is defined as the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV, VAC, and child labour.

Work site

This is defined as the area in which infrastructure development works are being conducted, as part of interventions planned under the SAVE project, funded by the World Bank.

Work site surroundings

These are defined as the ‘Project Area of Influence’ which is any area, urban or rural, directly affected by the project, or located within the distance of three kilometres’ radius from the work site and/or worker’s camps, including all human settlements found on it.

Consent

This word is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Any use of a threat to withhold a benefit, or of a promise to provide a benefit, or actual provision of that benefit (monetary and non-monetary), aimed at obtaining an individual’s agreement to do something, constitutes an abuse of power; any agreement obtained in presence of an abuse of power shall be considered non-consensual. In accordance with the United Nations, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.

Contractor

This is defined as any firm, company, organisation or other institution that has been awarded a contract to conduct infrastructure development works in the context of the MSSRLP and has hired managers and/or employees to conduct this work.

Manager

The word is used interchangeably with the term ‘supervisor’ and is defined as any individual offering labour to the contractor, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor’s team, unit, division or similar, and to supervise and manage a pre-defined number of employees.

Employee

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

Workers Committee

A team established by the Contractor to address GBV, VAC, child labour and other relevant issues with the work force.

3.0 CODES OF CONDUCT

This chapter presents three Codes of Conduct (CoC) for use:

1. **Contractors Code of Conduct**: Commits the contractor to addressing GBV, SEA and VAC issues;
2. **Manager’s Code of Conduct**: Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
3. **Individual Code of Conduct**: Code of Conduct for each individual working on MSSRLP funded projects

3.1 Contractors Code of Conduct

Contractors are obliged to create and maintain an environment which prevents social risks. They have the responsibility to communicate clearly to all those engaged on the project the behaviours which guard against any form of abuse and exploitation. In order to prevent Social risks, the following core principles and minimum standards of behaviour will apply to all employees without exception:

1. GBV or VAC constitutes acts of gross misconduct and are therefore grounds for sanctions, penalties and/or termination of employment and/or contract. All forms of Social risks including grooming are unacceptable be it on the work site, the work site surroundings, or at worker’s camps of those who commit GBV or VAC will be pursued.
2. Treat women, children (persons under the age of 18) and people with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic, cultural beliefs/practices, or other status.
3. Do not use language or behaviour towards men, women or children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
4. Sexual activity with children/learners under 18 (including through digital media) is prohibited. Mistaken belief regarding the age of a child and consent from the child is not a defence.
5. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.
6. Sexual interactions between contractor’s employees and communities surrounding the work place that are not agreed to with full consent by all parties involved in the sexual act are prohibited (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex.
7. Where an employee develops concerns or suspicions regarding acts of GBV or VAC by a fellow worker, whether in the same contracting firm or not, he or she must report such concerns in accordance with established Grievance Redress Mechanism (GRM) that protects the identities of victims and whistle-blowers.
8. All contractors are required to attend an induction prior to commencing work on site to ensure they are familiar with the social risks and Codes of Conduct.
9. All employees must attend a mandatory training once a month for the duration of the contract starting from the first induction prior to commencement of work to reinforce the understanding of the institutional social risks and Code of Conduct.
10. The Contractor shall ensure provision of financial resources and support compliance to occupation health and safety requirements for all workers.
11. The Contractor shall ensure that workers dress appropriately i.e. dress in a way that: -

* Is unlikely to be viewed as offensive, revealing, or sexually provocative.
* Does not distract, cause embarrassment or give rise to misunderstanding
* Is absent of any political or otherwise contentious slogans
* Is not considered to be discriminatory and is culturally sensitive

1. The Company shall ensure provision of financial resources and trainings to prevent spread of HIV and AIDS.
2. The company shall comply with the national, international labour laws and all applicable laws.
3. All contractors must ensure that their employees sign an individual Code of Conduct confirming their agreement to support prevention of social risks activities.
4. The contractor should ensure equitable access to limited natural resources (e.g. water points) to avoid conflicts with local communities
5. Where possible, the contractor should ensure employment of local workforces especially where unskilled labour is required to mitigate social risks

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in termination of the contract.

FOR THE CONTRACTOR

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

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

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

3.2 Code of Conduct for Construction Site Supervisor

Site Supervisors at all levels play an important role in creating and maintaining an environment, which prevents workers misconduct. They need to support and promote the implementation of the Contractors Codes of Conduct and enforce Workers Codes of Conduct. Construction site supervisor must adhere to this Code of Conduct. This commits them to develop and support systems, which maintain a safe working environment.

Construction Site Supervisor responsibilities include but are not limited to:

1. Where possible, ensure employment of local workforces especially where unskilled labour is required to mitigate social risks;
2. Ensure there is zero tolerance to child labour practices;
3. Promote gender inclusion at all levels;
4. Establish a workers committee to oversee issues of workers misconduct including GBV and VAC;
5. Ensure compliance to occupation health and safety requirements for all workers;
6. Ensure that workers dress code is adhered to appropriately;
7. Ensure that access to construction sites is restricted to authorized persons; hoarding is provided and that there is proper signage to construction site(s);
8. Facilitate workers training and capacity building on social, environmental and health and safety;
9. Ensure that all workers are sensitized on HIV and AIDS issues, provided with condoms and HTC services;
10. Ensure that fundamental workers’ rights (e.g. working hours, minimum wages, etc) are protected;
11. Ensure that 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 workings hours should be strictly prohibited;
12. Ensure compliance to all legal requirements;
13. Supervisors failing to comply with such provision can be in turn subject to disciplinary measures including termination of employment; and
14. Ultimately, failure to effectively respond to some provisions of the code of conduct may provide grounds for legal actions by authorities.
15. Ensure that every employee under his/her supervision has been oriented on the Code of Conduct and has signed.

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to comply to all rules of this code of conduct. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action.

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

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

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

FOR THE EMPLOYER

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

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

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

3.3 Workers Code of Conduct

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, acknowledge that preventing any misconduct as stipulated in this code of conduct, including gender based violence (GBV), child abuse/exploitation (CAE) 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, colour, language, religion, political or other opinion, national, ethnic or social origin, property, birth or other status;
3. Not use language or behaviour towards men, women or children/learners that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
4. 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 defence;
5. Not exchange money, employment, goods, or services for sex, with community members including sexual favours or other forms of humiliating, degrading or exploitative behaviour;
6. Not have sexual interactions with members of the communities surrounding the work place, worker’s camps and fellow workers that are not agreed to with full consent by all parties involved in the sexual act (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex - such sexual activity is considered “non-consensual” within the scope of this Code;
7. Attend trainings related to HIV and AIDS, GBV/SEA , occupational health and any other relevant courses on safety as requested by my employer;
8. 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;
9. With regard to children (under the age of 18):

* Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.
* Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
* Refrain from physical punishment or discipline of children.
* Refrain from hiring children for domestic or other labour, 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.
* Comply with all relevant local legislation, including labour laws in relation to child labour.

1. Refrain from any form of theft for assets and facilities including from surrounding communities.
2. Remain in designated working area during working hours;
3. 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 workings hours;
4. Wear mandatory PPE at all times during work;
5. Follow prescribed environmental occupation health and safety standards;
6. Channel grievances through the established grievance redress mechanism.

I understand that the onus is on me to use common sense and avoid actions or behaviours 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

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

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

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

4.0 ACTION PLAN

The action plan for the Implementation for the Code of Conduct outlines the key stakeholders, their roles and responsibilities. The main key stakeholders for the implementation of the action plan are SAVE PIU, EAD, Contractors, Site Supervisors, Construction workers and District Councils. Table 2 shows a typical example of how an implementation action plan for codes of conduct for SAVE subprojects may constitute.

Table 2: Typical Example of an Implementing action plan for the SAVE project Codes of Conduct

|  |  |  |
| --- | --- | --- |
| Key stakeholder | Roles and responsibilities | Time Frame |
| SAVE Project Implementation Unit and EAD | Awareness raising to other key stakeholders | Onset of the project |
| Monitoring compliance | On-going |
| Recording, processing and reporting grievances | On-going |
| MoE and MoL/ SAVE Project Implementation Unit | Inclusion of Code of Conduct as addendum to contract | Before signing of the contract |
| Monitoring compliance | On-going |
| Recording, processing and reporting grievances  Translation of Code of Conduct in relevant local language | On-going |
| Contractors | Designate suitable personnel responsible for Code of Conduct implementation | Before mobilisation |
| Raise awareness of the code of conduct to all workers including supervisors | During recruitment |
| Keep record of signed code of conduct | On-going |
| Recording, processing and reporting grievances | On-going |
| Comply to contractors code of conduct | On-going |
| Site supervisors | Establish workers committee to manage environmental and social risks | Immediately after recruitment |
| Explain Code of Conduct to all workers in local language they understand | During recruitment |
| Conduct toolbox talks on Code of Conduct issues | On-going |
| Recording, processing and reporting grievances | On-going |
| Monitoring worker compliance on Code of Conduct | On-going |
| Comply to Contractor and supervisor Code of Conduct | On-going |
| Workers | Attend tool box talks/induction prior to commencement of work and sign attendance registers | On-going |
| Understand Code of Conduct and sign | During recruitment |
| Comply with Code of Conduct | On-going |
| District Councils | Awareness raising to other key stakeholders | On-going |
|  | Monitoring compliance | On-going |
|  | Community engagement | On-going |
|  | Recording, processing and reporting grievances | On-going |

# ANNEX 2: GRM FORMS

**1.** **Worker Grievance Uptake and Resolution Form**

**SECTION A: GENERAL INFORMATIONForm Number …………………..**

Sub-project Name: ……………………….……………………………………….…………

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name of Project Location/ Catchment Area: | | | Name of Community/ Village of Complainant: | | | | Reporting Dates: | |
| Name of Complainant /PAP | | | Complainant Disgnation: | | ComplainantIdentification: | | | Phone Number,  E-Mail: |
| **SECTION B: DETAILS OF THE GRIEVANCE** | | | | | | | | |
| Ref No. | Date of Grievance | Summary description of Grievance/Complaint | | Follow-up/Investigation | | | Resolution Made | |
| Date | | Person Assigned |
| G1 |  |  | |  | |  |  | |
| G2 |  |  | |  | |  |  | |
| G3 |  |  | |  | |  |  | |

Name of Reporting Officer: ………………………………………………………………….

**SECTION C: SUBMISSION OF GRIEVANCE**

If case is closed, GRM Committee members & complainant to sign below

GRM Committee Chair\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name & Signature of Complainant\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

GRM Committee Secretary\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**SECTION D: REFERRAL OF CASES**

**Referred to IGRMC / PIUGRMC**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Ref No. | Date of Referral | Follow up / Investigation | | Summary of action undertaken |
| Date | Person Assigned |
| G1 |  |  | |  |
| G2 |  |  | |  |
| G3 |  |  | |  |

RECEIPT: SUBMISSION OF GRM Form number ………..

|  |  |
| --- | --- |
| Complaint: | |
| Complainant ID: | TA: |
| Districts: | Program: |
| Name of Complainant: | Reporting officer: |
| Case: - Closed { } - Referred { } | Signature of complainant: |

**2. Institutional Grievance Log and Resolution Form**

Institution Reference No.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **1. Complainant’s Information** | | | | | | |
| *(This information must be provided. The identity of complainants will be kept confidential if they request so.* | | | | | | |
| Name of Complainant | Name of Sub project | Position: | | Address:  Tel: | | Email:  District/town: |
| Name of School: | Case Ref. No. |  | |
| Please indicate how you prefer to be contacted (e-mail, mobile, etc.): | | | | | | |
| 2.Brief Description of the Grievance or Complaint: | | | | | | |
| 3 Previous Efforts to Resolve the Complaint  (a) Have you raised your complaint with any other authorities/institutions? Yes No | | | | | | |
| (b)If yes (Please, provide the following details) When? | | | | | | |
| * How and with whom the issues were raised | | | | | | |
| * What was the outcome/resolution? | | | | | | |
| (c)**If No, why? Or if Outcome was referral from WGRMC** | | | | | | |
| (d) What harm do you believe the SAVE project caused or is likely to cause to you? | | | | | | |
| (e) Why do you believe that the alleged harm results directly from SAVE project? | | | | | | |
| (f)Do you have any other supporting documents that you would like to share? | | | | | | |
| (g) Outcome at Work Place Committee | | | | | | |
| 4.(a)**If a referred case, or case recorded at Institution is closed:**  (i) PAP Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (ii) WGRMC Chair\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (iii) WGRMC Secretary\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **4. (b) If the case is not closed, it will be refereed to PIUGRMC**  (i) PAP Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (ii)IGRMC Chair\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (iii)IGRMC Secretary\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | | | |
| **5. Name of the person who completed this form**: | | | Signature: | | Date: | |

## ANNEX 3: OCCUPATIONAL HEALTH AND SAFETY SCREENING FORM FOR SAVE PROJECT SUB-PROJECTS

|  |  |
| --- | --- |
| Project Name: | District.: |
| Project Location: | Nature/Size |
| Name & Signature of Evaluator: | Date of Evaluation |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Appraisal | Stage of OHS potential impact/risk/issue | | Potential Mitigation Measures |
|  |  | Yes / No | Construction | Operation |  |
|  | Will the project generate the following impacts to workers, students and staff? |  |  |  |  |
| 1 | Risk of contracting HIV/AIDS |  |  |  |  |
| 2 | Risk of contracting Covid-19 |  |  |  |  |
| 3 | Risk of contracting other communicable diseases. Cholera and Malaria, flue, cough, TB |  |  |  |  |
| .4 | Increase Discrimination |  |  |  |  |
| 5 | Risk of exposure to hazardous materials and wastes |  |  |  |  |
| 6 | Non-compliance with labor laws and regulations by Contractors |  |  |  |  |
| 7 | Increase risk of influx of migrant workers – Competition over local resources |  |  |  |  |
| 8 | Increase Sexual Harassment |  |  |  |  |
| 9 | Increased Rape |  |  |  |  |
| 10 | Child defilement |  |  |  |  |
| 11 | Child labour |  |  |  |  |
| 12 | Child marriage |  |  |  |  |
| 13 | Sexual Exploitation and Abuse – Both for workforce and local communities, particularly under aged girls |  |  |  |  |
| 14 | Discrimination and exclusion of vulnerable groups; |  |  |  |  |
| 15 | Labor disputes and conditions of employment. |  |  |  |  |
| 16 | Increase competition over resources due to influx of labor |  |  |  |  |
| 17 | Increase Gender based violence |  |  |  |  |
| 18 | Risk of exposure to excess noise and vibrations |  |  |  |  |
| 19 | Increase accidents |  |  |  |  |

**NOTE:** The screening form will be updated prior to use, to reflect a more final set of OHS potential impacts/risks/issues