MINISTRY OF INFORMATION AND COMMUNICATIONS



GOVERNMENT OF SIERRA LEONE

SIERRA LEONE DIGITAL TRANSFORMATION PROJECT (SLDTP)
P177077

LABOUR MANAGEMENT PROCEDURES (LMP)

December 2022

SIERRA LEONE DIGITAL TRANSFORMATION PROJECT
LABOUR MANAGEMENT PROCEDURES (LMP)

1. Introduction 3
2. Overview of labour use in the project 3
3. Assessment of key potential labour risks 5
4. Brief overview of labour legislation 6
4.1 National Labour Legislation and Policy 6
4.2 International Laws and Conventions 10
4.3 Environment and Social Standards (ESS2): Labor and Working Conditions 10
5. Responsible staff 10
6. Policies and procedures 11
6.1. Terms and conditions 12
6.2. Age of employment 13
6.4. Contractor management 14
6.5. Primary supply workers 14
6.6. Grievance mechanism 15
6.8. Community workers 17
7. Verification, monitoring mechanism and reporting 17

1. Introduction

The LMP is developed by the Ministry of Information and Communications (MIC) to set out the approach the Sierra Leone Digital Transformation Project (SLDTP) would use to meet national requirements as well as the objectives of the World Bank's Environmental and Social Framework, specifically, the Environmental and Social Standard 2 (ESS2): Labour and Working Conditions. It sets out the terms and conditions for employment or engagement of workers in project activities, specifies the requirements and standards to be met and the policies and procedures to be followed, assesses risks and proposes the implementation of compliance measures and promotes fair treatment, non-discrimination, and equal opportunity of project workers. Generally, the procedures address the way the Bank's standards will apply to different categories of project workers and how third parties will manage their workers in compliance with this document. It applies to three categories of labour: workers engaged by potential work and service providers (**contracted workers**); consultants engaged directly by MIC, i.e., the PCU to perform project related tasks (**direct workers**); and primary supply workers, as labour provided by community workers is not expected. It covers risks of forced labour and serious safety issues which may arise in relation to primary suppliers, as well as roles and responsibilities for monitoring primary suppliers.

2. Overview of labour use in the project

It is expected that the project will engage the following categories of **workers** as defined by ESS2:

- ***Direct workers:*** Direct workers will be independent consultants hired specifically to work on implementing aspects of the project and will be integrated into the PCU housed by MIC in its Directorate of Communication. These workers will be engaged through the standard form of Contracts for Consultancy services provided by the World Bank with standard wording. The PCU will have managerial, administrative, and coordination roles. The number of PCU personnel and the requirements in terms of their qualifications, experience and competences have been defined, and will include a Project Coordinator, Environmental and Social Safeguard Specialists, Financial Management Specialist, Procurement Specialist, etc. In a limited number of cases, Civil and Public Servants may work on the project. Whether in full-time or part-time positions, they will be bound by the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. Such transfer, if any, will be conducted in accordance with all legal requirements and transferred workers will be subject to all requirements of these LMP.
- ***Contracted workers****:* Contracted workers will be engaged or employed by third parties i.e. contractors, sub-contractors[1], and service providers/consultants needed for project

1 Sub-Consultant/Contractor means any person or entity to whom/which the Contractor or Consultant subcontracts any part of the Works or Services.

implementation and these imply professionals and support staff provided by the Contractor or Consultants or by any Sub-Contractor or Sub-Consultants assigned to perform the Services or any part thereof. The contractual and legal relationship between the third parties and the PCU will be established through contracts awarded in line with the standard procurement procedures and bidding documents of the World Bank for specific project activities which have a standard wording for labour and working conditions requirements. Each sub-project will be subject to a competitive open tendering procedure both for works and supervision services (although the scope of one supervision service contract may cover multiple construction contracts). Due to the size of the contract, their scattered locations, relatively low value of the construction/rehabilitation works (relative to mobilization, operation and overhead costs) and required qualification to carry out design and construction activities, it is expected that contracts will be awarded to well-known reputable predominantly national companies or international companies who have already established their operation in Sierra Leone and adhere to and operate under the Sierra Leonean regulatory framework including Labour and Occupational Health and Safety (OHS) laws. Should Contracts be awarded to multiple entities forming a Joint Venture or association alike, each company shall be bound by these LMP.

- ***Primary supply workers*** will be engaged on the project as certain supply of materials (i.e., IT/digital equipment, construction materials sourced both locally and abroad etc.) will be required within the project. However, these impacts are not subject to ESS2 but will be looked through the lens of ESS1 and ESS4 and the area covered by relevant management plans (i.e., the Project level ESMF, Sub-Project specific ESMPs and any Contractors management plan as required by the ESMF).
- ***Community workers*** will not be engaged on the project.

Number of Project Workers: Considering the nature of the project workforce (mostly skilled and semiskilled engineering labour) and characteristics of labor force market in Sierra Leone, it is not expected that the number of female workers will be high. It is estimated that women would represent about 5-10 percent of the workforce, and those would likely be technical (engineering) and/or staff working in the subproject sites. It is estimated that the total number of workers would be between 50-150 (being the absolute highest number) engaged in civil works in total including another 3-10 persons engaged in the supervision of works activities under each construction site.

Timing of Labour Requirements: The labour requirements will be higher during the implementation of works across identified subproject sites than at project inception. Skilled technical personnel (direct workers) will be hired prior to project inception to begin processes for implementing the project (including hiring other personnel who will be involved in the actual implementation of works).

3. Assessment of key potential labour risks

3.1.Description of project activities

The SLDTP reflects GoSL's commitment to transform its economy based on a more inclusive and human-centric digital growth and development approach. It seeks primarily to address challenges to achieving this vision, including high prices of connectivity and devices, significant gaps in access to broadband internet in rural areas and for women and marginalized groups, and inadequate capacity and skills to capitalize on digital opportunities and innovation. Components 1 and 3 of the project will have labour requirements, with most of the subprojects implemented in urban settings and selected last-mile locations. The type of work envisaged includes clearance of right of way; laying of crushed stone over geotextile layer; land-clearing and construction of foundation; soil stabilization; cutting trees and high vegetation; reinstatement and revegetation of impacted areas; movement of heavy equipment and masts; installation of masts and communications equipment, etc.

Component 1: Expanding Digital Access and Increasing Resilience of Digital Environment, aims to improve broadband market competition, expand access to broadband internet, and address existing digital divides in Sierra Leone. Sierra Leone continues to experience challenges in strategic parts of the broadband value chain, from the first mile where the internet enters the country to the last mile where it reaches end users. A mix of financing and technical assistance is expected to strengthen regulatory capacity and instruments to increase competition, lower prices and address some key connectivity gaps in Sierra Leone attracting private sector investments.

Component 3. Laying Key Foundations for Digital Government Services and Systems, aims to build the core infrastructure and institutional capacity to strengthen digital public service delivery, build prioritized services and systems, and enhance the Government's operational efficiency. This Component is comprised of three mutually integrated subcomponents, namely: Subcomponent 3.1: Enabling environment for digital government; Subcomponent 3.2: Government Service Delivery Infrastructure and Networks; and Subcomponent 3.3. Demonstration of Digital Services and Systems.

3.2.Key Potential Labour Risks

It is assessed that key labour risks would be associated with health and safety risks related to the construction activities such as exposure to physical hazards during construction activities such as: use of heavy equipment, trip and fall hazards, exposure to noise and dust, falling objects, exposure to hazardous materials and to electrical hazards from the use of tools and machinery. As the construction activities will involve hazardous work, persons under the age of 18 will not be employed by the Project. Many workers will be exposed to occupational health and safety hazards, primarily including but not limited to working at height, movement and working on steep and treacherous terrain, traffic accidents, excavations hazards, lifting of heavy structures, exposure to construction airborne agents (dust), welding hazards (fumes, burns and radiation), and teel erection (towers) hazards. While a substantial number of jobs will be created, it is expected that subproject

communities will not experience substantial labour influx. External workers will be accommodated at existing housing at sites, or dedicated camps will be established for worker accommodation. Specific requirements to manage risks associated with labour influx, related to the interaction between contracted workers and local communities, such as communicable diseases and gender-based violence, will be managed through contractual requirements, code of conduct, and training activities led by the PCU and implementing partners. The project is assessed as Low on gender-based violence (GBV) risk. However, should labour risks deviate significantly from the terms described above, these procedures shall be amended to cover further impacts.

4. Brief overview of labour legislation

4.1 National Labour Legislation and Policy

National Labour Legislation on Labour and Working Conditions is summarized in Table 1.

Table 1. National Labour Legislation on Labour and Working Conditions in Sierra Leone

Legislation	Relevant Sections
The Constitution of Sierra Leone	The Constitution of Sierra Leone protects the freedom of association and promotes health and safety at work, fair working conditions, equal pay for equal work, and fair compensation. Chapter 2 subsection 8 of the Constitution of Sierra Leone states that the state shall direct its policy toward ensuring that. Under the Constitution: • Every citizen, without discrimination on any grounds whatsoever, shall have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment (right to work); • Conditions of service and work are fair, just, and humane and there are adequate facilities for leisure and for social, religious, and cultural life (right to rest and leisure); • The health, safety, and welfare of all persons in employment are safeguarded and not endangered or abused, and in particular, special provisions are made for working women with children, having due regard to the resources of the state (right to safe work environment and equal pay). • There is equal pay for equal work without discrimination on account of sex, and adequate and satisfactory remuneration is paid to all persons in employment (the right to equal pay for work).
The Employment and Labour Law 2020	• The law consolidated existing laws relating to labor, employers, trade unions and industrial relations. The Act covers common issues in employment and labor law regulations such as terms and conditions of employment, employee representation and industrial relations, discrimination, maternity and family leave rights and business sales. It provides for the rights and duties of employers and workers; legal or illegal strike; guarantees trade unions and freedom of associations and establishes the Ministry of Labour to mediate and act in respect of all labor issues. The Act explicitly states that it is the duty of an employer to ensure that every worker works under satisfactory, safe and healthy conditions.
Regulation of Wages and Industrial	• These regulations specify the collective agreement between Employers in the Building and Construction Trade Group in the Republic of Sierra Leone involving the following Workers Unions: o Artisans, Public Works, and Services Employees Union;

Legislation	Relevant Sections
Relations Act 1971 (No. 18)	○ General Construction workers Union; ○ Skilled and Manual Production workers Union; and ○ Sierra Leone Union of Securities, Watchmen and General Workers Union • The Regulation of Wages and Industrial Relations Act 1971 (No 18) places wage negotiations under the Trade Group Council. Wages which are to be negotiated every three years under this Act. • Conditions of Service issues including Hours of Work (Clause 9), modalities for payment of overtime (Clause 13), Annual Leave and Leave Allowance (Clause 15) and Maternity with full pay for maximum of twelve weeks (Clause 17), Dirty Work Allowance for workers who come into contact with sewerage, rubbish, wood, dust and toxic materials (Clause 56) and Termination of Works Contract (Clause 26) are outlined explicitly in the Act. • Health and Safety issues are covered under Clause 37 and 51 of this regulation. They include the Employer providing raincoats, goggles, wielding masks, helmets and other safety gear as well as toilet and hand washing facilities for employees. Workers' right to form unions and engage collective bargaining are recognized in Clause 30 while right to representation is conferred on workers under Clause 32.
The National Social Insurance Trust (NASSIT) Act 2001	The National Social Insurance Trust (NASSIT) Act 2001 covers benefits and pensions for all sectors. Section 24(1) stipulates that regardless of the existence of a private/company pension or provident fund, employers and employees are subject to the NASSIT Act. It is expected that all workers in the project will be treated in conformity to the requirements of this Act.
The Public Health Ordinance, 1960	This Act remains the principal piece of public health-related legislation in Sierra Leone. The Act places sanitation management, premises inspection, environmental hygiene, designation of sanitary sites under the remit of the Ministry of Health and Sanitation and by extension the Health Authorities at the local level. Part III (2) of the Ordinance: Statuary Nuisance, among other empowers the Health Authority to summarily cause the removal of: • any collection of water or any water vessel, found to contain eggs or larvae of mosquitoes, or any premises, on which conditions whether natural or artificial are likely to cause the propagation or harboring of mosquitoes; • any well, tank, cistern, or water-butt used for the supply of water for domestic purposes which is so placed, constructed or kept as to render the water therein liable to contamination prejudicial to health; and • any well, tank, cistern, or water-butt used for the supply of water for domestic purposes which is so placed, constructed or kept as to render the water therein liable to contamination prejudicial to health.
The Factories Act of 1974	The Factories Act, 1974 demands for all aspects of cleanliness, reports of all injuries, accidents, diseases and death. Under this Act the Factories Inspectorate Department under the Ministry of Labour and Social Security has the power to monitor workplace compliance in terms of labor laws, especially among factories, and enforce measures to ensure occupational accidents and diseases are minimized within the work environment (Section V of the Factories Act, 1974). The Act expands the definition of factories to include construction sites. It makes reports of accidents, death, injuries and the outbreak of diseases mandatory (Section VII) and empowers the Factory Inspectorate Department to enforce general health and safety conditions within factories. There are also sanctions for non-compliance including fines, jail terms and prohibition of works and closing down of factories.

Legislation	Relevant Sections
	The Act promotes cleanliness, health and safety within the work environment and covers owners, occupiers, supervisors and workers alike and establishes accident and incident reporting a responsibility of factory operators (owners/managers)
Motor Vehicle (Third Party Insurance) Ordinance, Cap 133	This Act makes it an offence to operate a vehicle without at least a third-party insurance cover and specifies sanctions for offenders (Section 3). According to the Act no motor vehicle will be licensed until it is insured.
Road Traffic Act, 2007	The Act ensures public and road safety. Various offenses under this Act are punishable by spot fines, and imprisonment or both. By the Act, driving unlicensed vehicles, defective vehicles or overloaded vehicles are offences. Part III of the Act, Licensing of Drivers, makes driving without a valid license corresponding to the class of vehicle an offence. Part III also specifies the age limit for driving various categories of automobiles, starting from above eighteen (18) years for private cars and good and service trucks to above 21 years for public service vehicles and heavy-duty trucks (Part III Section 2). Dangerous and careless driving, driving under the influence of alcohol and drugs have been specified as offenses under this Act. In addition, Section 120 and 121 under Part XI – Restrictions on Road use for Road Safety, provides areas, including along footpaths and places reserved for persons with disability, where parking is prohibited.

Standards for labour and Working Conditions are defined in the Collective Bargaining Agreement (2020), the Factories Act 1974, and the Public Health Ordinance 1960. The Agreement (2020) is the most comprehensive and relevant, focusing on three key areas: (i) conditions of service and employment including wages and payment, establishment of Works Committees, employment of young people, maternity benefits, working hours and leave; (ii) health, safety, hygiene, and welfare, and compensation for injury; and (iii) trade unions and industrial relations. It applies to all 'workers' which are defined broadly in Article 3 to include all workers in the services group (government workers) as well those working for universities, local and international NGOs, professional and trade organisations, legal services, domestic workers, trade unions, diplomatic missions, etc. The Agreement covers contractors (and their operations at work sites), which implies that it is applicable to the management of development project that require such use of labour or the creation of specific working conditions. Some significant provisions in the 2020 Agreement are described as follows:

- **Work hours:** Article 5 of the Agreement makes a provision of 8 working hours a day for an adult worker spread over five days Monday through Friday. The normal working hours per week and the days involved can be varied by written agreement between the employer and the worker but in such a manner that the total hours shall not exceed 40 hours in any week Hours worked on normal rest days (i.e., weekends or other substituted rest days (and gazetted public holidays shall be paid double time.

- **Wages:** Article 44 describes rates of wages and salaries. It notes that if a worker shall be paid a full day's wage if he/has been asked to commence work by a supervisor and is then prevented by rain from completing that day's work. An employer can temporarily replace an employee that is absent without permission, without a medical certificate, or that fails to communicate within three working days.
- **Regular leaves and benefits:** Article 45 sets out the terms of employee benefits and gratuity on retirement, resignation, termination, or death. Any employee who has served the same employer continuously for a period not less than one year and who services are terminated for reasons other than gross misconduct, or any employee who retires, dies, resigns, shall be entitled to end of service benefits. The benefit is calculated as 33 working days for a service spanning 1 to 5 years, 40 days for 4-10 years, and 45 days for over 10 years. Notwithstanding provisions of this article, the National Social Security and Insurance Trust Act (2002) shall also apply. A worker who is on a salary scale shall be eligible for an annual increment, awarded every 12 months depending on the date of appointment or promotion (Art. 46). The terms of temporary work should be consistent with the nature of the project where it is not already covered by the 2020 Agreement (Art. 46b).
- **Maternity leave:** Female workers will get paid maternity leave. An expectant mother would be entitled to a minimum of 12 weeks with full pay. Where it is still necessary to have further medical treatment after exhausting the leave, Art 16 and 17 shall apply. Article 16 provides for preventive Medicare examination and treatment of workers, which requires an employer to medically examine staff once in four months by a nominated doctor. A sick employee with a certificate from the establishment's medical officer or a certified practitioner shall be granted paid sick leave as follows- 35 days on full pay (for 1 to 5 years of service) followed by 35 days on half pay.
- **Safe work environment- Health/ Safety/ Welfare:** Workers whose nature of work involves a risk of personal safety or potential health hazard shall be provided at regular intervals with protective clothing and/or devices such as rubber boots, rubber suits, aprons, boots, masks, goggles, torchlights, or any other appropriate devices as the nature of work may require (Art. 30). The provision also requires the employer to establish a safety committee (Art 30b). The nature of work and the kind of protection to provide is covered in Art 31, while the requirement to provide working tools to employees as is covered in Art 33.
- **Notice periods:** A permanent employee at a company must give his employer 14 days' notice if s/he wishes to quit or one month notice if the employee is paid monthly. Termination is considered a 'discharge' in the case that an employee is fired for reasons of mental or physical incapacity, illness or other reasons not related to misconduct by the employee. An employer must pay compensation when a termination is unrelated to discharge or dismissal (Art. 45).

4.2 International Laws and Conventions

A total of 45 of International Labour Organization's (ILO) Conventions have been ratified by Sierra Leone[2]: 10 of the 10 fundamental conventions, 2 of the 4 governance conventions, and 33 of the 176 technical conventions. 31 of the 45 conventions ratified by the country are in force, 3 have been denounced, 3 have been ratified in the past 12 months, and 7 instruments have been abrogated. Some examples of conventions in force that are relevant to the project include:

- C029- Forced labour convention, 1930 (No. 29)
- C100- Equal remuneration convention, 1951 (No. 100)
- C105- Abolition of forced labour convention, 1957 (No. 105)
- C111- Discrimination (employment and occupation) convention, 1958 (No. 111)
- C138- Minimum age convention, 1973 (No. 138)
- C155- Occupational Health and Safety convention, 1985 (No. 155), etc.

4.3 Environment and Social Standards (ESS2): Labor and Working Conditions

This LMP is prepared in line with the requirements of ESS2: Labor and Working Conditions. It ensures a safe, healthy conducive working environment for workers in which working environment is free of forced and child labor as well as other forms of intimidation and harassment. ESS2 also ensures that workers have channels for grievance redress, freedom of association and access to collective barging rights as prescribed by national law. The standard also seeks to protect vulnerable workers such as migrant labor. The requirements of Labor and Working Conditions (ESS2) extends to direct, indirect, community and contracted workers as well as primary supply workers on a Bank financed project.

5. Responsible staff

The overview of responsible staff and oversight mechanisms has been described in further detail in the ESMF. The PCU through the Project Coordinator (PC) has the overall responsibility to oversee all aspects of the implementation of the LMP, to ensure contractor compliance. The contractor is subsequently responsible for management in accordance with contract-specific Labour Management Plans, implementation of which will be supervised by the PCU monthly or at shorter intervals as defined by M&E plan in section 7. The detailed approach is described as follows:

- **Occupational Health and Safety:** Contractors must engage a minimum of one Safety Officer. Smaller contracts may permit for the officer to carry out other assignments as well. The Safety Officer ensures the day-to-day compliance with specified safety measures and records of any incidents. Minor incidents are reported to the project monthly, serious incidents are reported immediately. Minor incidents are reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately.

[2] https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103269

- **Labour and Working Conditions:** Contractors will keep records in accordance with specifications set out in this LMP. The PCU may at any time require records to ensure that labour conditions are met. The PCU will also review records against actuals at a minimum monthly and could require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.
- **Worker Grievances:** GRM procedures currently in place will remain for Project staff. Contractors will be required to present a worker grievance redress mechanism which responds to the requirements in this LMP. The Social Safeguards Specialist (SSS) in the PCU will review records monthly. Where worker concerns are not resolved, the national system will be used as set out in the section, but the PCU will keep abreast of resolutions and reflect in quarterly reports to the World Bank.
- **Additional Training:** Contractors are required to, always, have a qualified designated officer on board. If training is required, this will be the contractor's responsibility. The Safety Officer will provide instructions to contractor staff. The PCU will procure for training to address risks associated with labour influx and will provide a schedule for trainings required. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by the project, as specified by the contract.
- **Raising awareness:** The PCU will take the initiative to organize sessions on raising awareness of the communities on issues relevant to the project's compliance and standards (e.g., labour standards, gender-based violence, etc). This, in addition to project's Communication Strategy, will ensure effective and efficient participation of different stakeholders of the project.

6. Policies and procedures

Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.

Most environmental and social impacts of subprojects resulting from activities directly under the control of contractors will be mitigated directly by the same contractors. Therefore, ensuring that contractors effectively mitigate project activities related impacts is the core of the project's approach. The PCU will incorporate standardized environmental and social safeguard clauses in tender documentation and contract documents, for potential bidders to be aware of environmental and social performance requirements that shall be expected from them, are able to reflect that in their bids, and required to implement the clauses for the duration of the contract. The PCU will enforce compliance by contractors with these clauses.

As a core contractual requirement, the contractor is required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by designated project staff or IPs. The contractual arrangements with each project worker must be clearly defined in accordance with national law. A full set of contractual requirements related to environmental and social risk and impact management will be provided in the project's Environmental and Social Impact Assessment (ESIA). All environmental and social requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained in relevant environmental and social instruments.

Under no circumstances will the PCU, contractors, suppliers or sub-contractors engage forced labour. Forced labour includes bonded labour (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods, retaining the worker's identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable at the commencement of employment, loss or delay of wages that impede the workers' right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis can be referenced or annexed to the LMP, together with any other supporting documentation.

6.1.Terms and conditions

As stated in section 4 of this LMP the terms and conditions of employment are governed by the 2020 Labour Agreement**.** The Agreement makes it mandatory for employers to give their employees a copy of the written particulars of employment, signed by both parties. For this project, contractors will be required to provide all their workers with written particulars of employment. Contractors will also be required to comply with the wage terms issued by the Government (as prescribed by the Agreement) and reviewed on a regular basis. The order specifies the minimum wages, hours of work, overtime pay, leave entitlements, travelling and subsistence allowances and the issue of protective clothing.

The Agreement states that before a contractor is awarded a public contract, he/she is required to certify in writing that the wages, hour and conditions of work or persons to be employed by him on the contract are not less favourable than those contained in the most current wages regulation issued. Where a contractor fails to comply with this requirement, the contract with the contractor may be withdrawn as an approved contractor upon recommendations of the PCU. In ensuring full compliance with the law in this regard, contractors will be required to furnish the project with copies of the Written Particulars of Employment or copies of contract of all its workforce. Contractors will not be allowed to deploy any employee to work in the project if such copy of employment of that employee has not been handed to the PCU.

As a monitoring mechanism, the contractor shall not be entitled to any payment unless he has filed, together with his claim for payment, a certificate: a) stating whether any wages due to employees are in arrears; b) stating that all employment conditions of the contract are being complied with.

6.2.Age of employment

Sierra Leone has adopted ILO conventions on child labour and incorporated them in the legal system. The minimum age of employment is 15 (based on C138- ILO minimum age convention ratified by Sierra Leone in 1973), but the employment relationship with persons under the age of 18 can be established with the consent in writing of a parent if work to be performed does not put at risk their health, integrity, or education. A person under 18 years of age must present a medical certificate attesting that he/she can perform the activities related to the specific job, and that such activities do not harm his/her health.

As contractors are expected to employ or engage highly qualified, experienced, and competent project workers, it is understood that no one below 18 years will be employed or engaged. If any contractor employs or engages a person under the age of 18 years, that contractor will not only be terminated and excluded from the project but will also be reported to the authorities (Ministry of Labour and Industrial Relations).

No other restrictions regarding the age of employment will be imposed. The age of workers will not be used as a criterion in deciding on hiring and promoting project workers or terminating their contracts. The contractors will be required to verify the identify and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record.

6.3.**Occupational Health and Safety**

For OHS, the project is committed to:

- Complying with legislation and other applicable requirements which relate to occupational health and safety hazards (such as C155- ILO Occupational Health and Safety Convention, ratified by Sierra Leone in 1981).
- Enabling active participation in OH&S risks elimination through promotion of appropriate skills, knowledge, and attitudes towards hazards.
- Continually improving the OH&S management system and performance.
- Communicating this policy statement to all persons working under the control of the project with emphasis on individual OH&S responsibilities.
- Availing this policy statement to all interested parties at all project sites.

Implementing partners and contractors will be committed to:

- Identifying potential hazards.

- Investigating the cause of accidents at the workplace.
- Inspecting the workplace including any plant, machinery, and substance, with a view to ascertaining the safety and health of employees provided that the employer is informed about the purpose of the inspection.
- Accompanying members of the PCU in carrying out inspection duties in the workplace; and attending any toolbox meetings organised by visiting staff.
- Providing occupational health and safety training to all employees involved in works.
- Providing protective masks, helmet, overall and safety shoes, and safety goggles, as appropriate.
- Providing workers in high noise areas with earplugs or earmuffs.
- Ensuring the availability of a first aid box.
- Providing employees with access to toilets and potable drinking water.
- Properly disposing of solid waste at designated permitted sites allocated by the local authorities.

6.4.Contractor management

The project requires that contractors monitor, keep records and report on terms and conditions related to labour management. The contractor must provide workers with evidence of all payments made, including social security benefits, pension contributions or other entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time, or temporarily. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to the project and the World Bank. Records will cover:

- Labour conditions (records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions, collective bargaining agreements, etc.).
- Safety (recordable incidents and corresponding Root Cause Analysis, first aid cases, high potential near misses, and remedial and preventive activities required).
- Workers (number of workers, indication of origin- expatriate, local-, gender, age with evidence that no child labour is involved, and skill level).
- Training/ induction (dates, number of trainees, and topics).
- Details of any security risks (details of risks the contractor may be exposed to while performing its work); and
- Worker grievances (details including occurrence date, grievance, and date submitted; actions taken and dates; resolution and date; and follow-up yet to be taken).

6.5.Primary supply workers

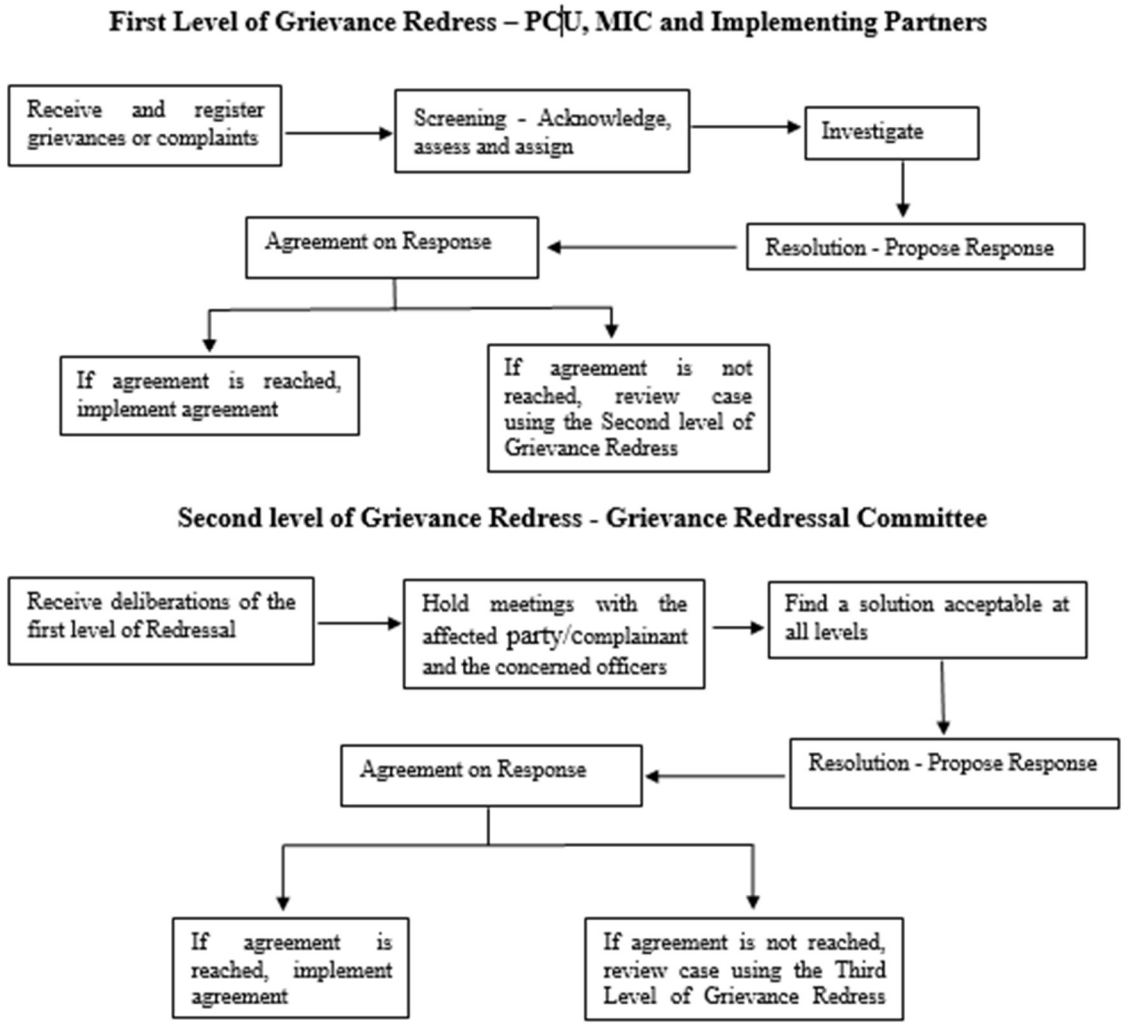
All primary suppliers are formal businesses who are required to procure and produce materials subject to high standards. Any new supplier is vetted using a different form which screens the

supplier regarding compliance with taxes, certification, licensing, and workmen's compensation. A separate form requires that the primary supplier identify the company's permanent staff and declare any current or prior arbitrations as well as any criminal convictions. Registered suppliers are subject to regular review. The review is carried out twice annually and requires The Procurement Specialist in the PCU to visit the supplier's premises.

6.6.Grievance mechanism

The Stakeholder Engagement Plan (SEP) set out the proposed Grievance Redness Mechanism (GRM) for the project (Figure 1).

Figure 1. GRM Steps



Source: SEP.

In any working environment it is essential for both employers and employees to be fully conversant with all aspects of disciplinary processes, the grievance handling procedures and the legal requirements and rights involved. In implementing an effective dispute management system consideration must be given to the disputes resulting from the following: disciplinary action; individual grievances; collective grievances and negotiation of collective grievances; and gender-based violence, sexual exploitation, and workplace sexual harassment.

For Disciplinary Procedures, it is advisable that even implied rules be included in the disciplinary code or schedule of offences and must be valid or reasonable and clear and unambiguous. The employee should be fully aware or should reasonably be aware of the rule or standard; and implementing partners and contractors will establish a fair and effective disciplinary procedure. Such a procedure should make room for investigating to determine whether there are grounds for a hearing to be held. If a hearing is to be held, the employer is to notify the employee of the allegations using a form and language that the employee can understand. The employee is also to be given reasonable time to prepare for the hearing and to be represented by a fellow employee or a representative of the Workers Committee in existence. Moreover, the employee must be given an opportunity to respond to the allegations, question the witnesses of the employer and to lead witnesses. If an employee is dismissed, he/she must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal. Therefore, it is incumbent upon the Contractors to ensure that they have a disciplinary procedure and Code and standards which the employees are aware of.

For Individual Grievance Procedures, every employer, including contractors, should have a *Formal Grievance Procedure* which should be known and explained to the employees. The procedure must specify to whom the employee should lodge the grievance; refer to timeframes in the Labour Management Plan to allow the grievance to be dealt with expeditiously; and allow the person to refer the grievance to a Senior Official within the organization or use other routes if it is not resolved at the lowest level. All the contractors who will be engaged for the project will be required to produce their grievance procedure as a requirement for tender which at a minimum complies with these requirements. In addition, good international practice recommends that the procedures be transparent, are confidential, adhere to non-retribution practices and include the right to representation. After they are engaged, contractors will be required to produce proof that each employee has been inducted on the procedure.

Where Collective Grievances and Disputes result from the negotiations of Collective agreements, the contractor is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace. The procedures followed in such instances is usually contained in the contract, which states how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation and the procedure to deal issues that are not resolved through consensus. In the type of disputes, if the dispute is not resolved at the workplace, the parties to the dispute can utilize the dispute resolution mechanisms provided for in the labour legislation.

In the case of Gender-based Violence, Sexual Exploitation and Sexual Harassment, the PCU will identify institutions and service providers who are actively engaged in prevention of gender-based violence, sexual exploitation, and workplace sexual harassment to establish a manual for referencing any potential survivors. While the PCU, implementing partners, and contractors might not be equipped to handle complaints or provide relevant services to survivors, they will refer any person to relevant service providers, including health facilities, law enforcement agents, and others. Grievances related to gender-based violence will be reported through the PCU, the nature of the complaint will be recorded along with the age of the complainant and relevance to the project, but the issue will be referenced to relevant institutions.

6.7.**Labour Influx and Gender Based Violence**

Contractors will maintain labour relations with local communities through a Code of Conduct (CoC). The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behaviour. The CoC shall include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and abuse, and sexual harassment (e.g., termination). The CoC shall be signed by each worker to indicate that they: have received a copy as part of their contract, understand its content, acknowledge that adherence is a mandatory condition of employment, and understand that any violations of the CoC can result in serious consequences, up to and including dismissal, or referral to legal authorities.

While considered a low risk, contractors shall address the risk of gender-based violence, through:

- Mandatory training and awareness raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women. Training may be repeated as needed;
- Informing workers about national laws that make sexual harassment and gender-based violence a punishable offence; and
- Adopting a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence.

These commitments and more will be featured in the GBV/SEA/SH Action Plan that developed for the project.

6.8.Community workers

There will be no provision for Community Workers

7. Verification, monitoring mechanism and reporting

A list of monitoring indicators, frequency of monitoring and responsible party/parties for monitoring are presented in Table 2. The indicators are not exhaustive and can be updated during the preparation of sub project safeguards instruments and during project implementation.

Table 2: Monitoring, Evaluation and Reporting plan

Item	Monitoring Indicators	Frequency of Monitoring	Means of Verification	Responsibility	Supporting Agencies
Occupational Health and Safety Issues	• Number, type, place and time of accidents/incidents and/or near misses • Number of OHS and hygiene training programmes provided for sub project contractors' and sub-contractors employees. • Number and type of PPEs distributed by Sub Project Contractors and Sub-Contractors • Number of workers on site wearing the appropriate PPEs • Presence of Health and Safety Officer on Site or otherwise • Site workers level of compliance with OHS standards e.g. wearing of PPEs • Presence of First Aid Kits on site or otherwise • Presence of Fire Extinguishers on Site • Hoarding material • Presence of handwashing facilities and hand sanitizers on site or otherwise • Suspected and confirmed COVID 19 cases on site	• Monthly	• Site Visits • Sub Project Contractors Accident Records books • Accident/ Incident Reports	• PCU	• Sub Project Consultant • Contractors
Labour Related Issues	• Number of Sub Project • Contractor and Sub-Contractor employees with formal Contracts • Presence of under aged workers (18 years and below) or otherwise • Number and type of employees recruited	• Monthly	• Site Visits • Inspection of Employees Contracts • Random interview of project workers	• PCU	• Sub Project Consultant Contractors

Item	Monitoring Indicators	Frequency of Monitoring	Means of Verification	Responsibility	Supporting Agencies
	from the community by gender • Average monthly income of project workers and informal workers by gender • Working days and hours • Contractor and Sub-Contractor employees who have signed and understand the Code of Conduct				
Gender Based Violence, Sexual Exploitation and Abuse, and Sexual Harassment	• Uptake points of complaints • Number of SEA/SH/GBV cases reported by type • Number of SEA/SH/GBV cases under investigation by type • Number of cases under prosecution by type • Number of cases discharged by outcome • Sex and age of perpetuators and survivors • Duration between case reportage, feedback and case completion	• Daily	• Grievance Redress Mechanism platform • On Site Grievance Redress Register	• PCU	• Sub Project Consultant • Contractors • GBV Service Providers
Community Health and Safety Issues	• Uptake points of complaints • Number of GBV/SEA/SH cases reported by type and location (community) • Number of GBV/SEA/SH cases under investigation by type • Number of cases under prosecution by type • Number of cases discharged by outcome • Sex and age of perpetuators and survivors	• Daily	• Grievance Redress Register • Top ten causes of morbidity from hospital records of the nearest Health Facility • Reported accidents at local police stations	• PCU	• Sub Project Consultant • Contractors

Item	Monitoring Indicators	Frequency of Monitoring	Means of Verification	Responsibility	Supporting Agencies
	• Duration between case reporting, feedback, and case completion • Incidence of communicable and non-communicable diseases in the project beneficiary communities • Accidents involving contractors' trucks and equipment as well as third party haulage trucks by type and degree of severity				