



Republic of Zambia

ROAD DEVELOPMENT AGENCY

**Transport Corridors for Economic Resilience
(TRACER) Project
P180801**

LABOUR MANAGEMENT PROCEDURES (LMP)

November 2023

LIST OF ABBREVIATIONS USED

8NDP	Eighth National Development Plan
AF	Additional Financing
COVID-19	Coronavirus Disease 2019
ESF	Environmental and Social Framework
ESS	Environment and Social Standard
FBO	Faith Based Organizations
FGDs	Focus Group Discussions
GBV	Gender-Based Violence
GRM	Grievance Redress Mechanism
GRMC	Grievance Redress Mechanism Committee
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
IRI	Interactive Radio Instruction
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
MIHUD	Ministry of Infrastructure, Housing and Urban Development
MoFNP	Ministry of Finance and National Planning
NCC	National Council for Construction
OHS	Occupational Health and Safety
PDO	Project Development Objective
PPE	Personal Protective Equipment's
PM	Project Manager
PIM	Project Implementation Manual
PIU	Project Implementation Unit
POs	Program Officers
RDA	Road Development Agency
SIs	Statutory Instruments
SOP	Series of Projects

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1.0 BACKGROUND/INTRODUCTION

The Transport Corridors for Economic Resilience (TRACER) project is being developed in accordance with the World Bank's Environmental and Social Framework (ESF). This framework includes provisions for the establishment of Labour Management Procedures (LMP) under the Environmental and Social Standard 2 (ESS2) for Labour and Working Conditions, as well as ESS4 for Community Health and Safety.

The purpose of the LMP is to ensure compliance with the national legislation and regulations of the Government of Zambia, as well as the provisions outlined in the World Bank's ESF. The LMP is specifically designed to facilitate the planning and implementation of the TRACER project by identifying the main labor requirements, associated risks, and the necessary procedures and resources to address occupational health and safety (OHS) issues related to the project.

The LMP is a dynamic document that is initiated early in the project preparation phase and undergoes regular review and updates throughout the development and implementation of the project.

The overall objectives of a LMP as stated in the ESS-2 are to:

1. Promote safety and health at work.
2. Promote the fair treatment, non-discrimination, and equal opportunity of project workers.
3. Protect project workers, with particular emphasis on vulnerable workers.
4. Prevent the use of all forms of forced labor and child labor.
5. Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
6. Provide project workers with accessible means to raise workplace concerns.

The provisions outlined in the LMP apply to direct workers, contracted workers, and primary supply workers engaged by the TRACER project.

1.2 The Project and its Components

The proposed Program aims to strengthening the economic resilience of Zambia and the region by developing regional transport corridors connecting Zambia with Tanzania, Malawi and Namibia. The proposed project is a Series of Projects (SoP), of which SOP 1 comprises of three components (i) Component 1: Transport and Trade Facilitation along the Dar es Salaam Corridor (US\$ 250 million), (ii) Component 2: Corridor-oriented SMEs development (15 million), and (iii) Component 3: Institutional development (US\$10 million).

The PDO of SOP1 is to strengthen the economic resilience of Zambia and Tanzania by improving transport and trade connectivity between Zambia and Dar es Salaam port and expanding economic activity along the North-South / Dar es Salaam Corridor.

Component 1: Resilient transport and trade facilitation along the North-South / Dar es Salaam Corridor and preparatory studies for other corridors under the SOP (US\$ 225 million).

- i. Development of climate resilient transport systems along North-South / Dar es Salaam corridor. The specific activities include i. the update of feasibility and design studies for the Serenje-Mpika section of the corridor incorporating climate-resilient road standards; and ii. rehabilitation of the road section.
- ii. Upgrade of the One Stop Border Post (OSBP) at Nakonde. This includes the design, construction and equipping of the OSBP at Nakonde border crossing on the Zambian side. Once completed this facility will complement the existing one on the Tanzanian side (the Tunduma border crossing facility). The activities include the design and construction of access roads, parking areas, buildings of the facility as well as equipment and systems, including the ICT provisions, truck scanners and other elements to be defined during design stage. The sub-component will also include training of government staff.
- iii. Development and implementation of the smart corridor concept on the Lusaka – Nakonde section of the North-South Dar es Salaam corridor. This covers intelligent transport systems (ITS) to deliver safe and efficient transport along the corridor, eliminate multiple checks of vehicles and cargo, implement electronic clearance processes to avoid long delays, enable tracking, provide supporting infrastructure/transport systems, which include the upgrade of axle load control facilities, (weighbridge located at Mpika) weigh-in-motion (WIM) systems, and accident control measures, e.g. speed cameras and control stations. This subcomponent will also include the laying of fiber optic cables in trenches along the corridor. To help ensure sustainability of the corridor improvements, this subcomponent includes the revival and strengthening of the Dar es Salaam Corridor Committee with the membership of Tanzania, Zambia and DRC. This aims at providing a structured and scientific approach for monitoring and improving the performance of the Dar es Salaam Corridor, benefitting from the same procedures and practices currently applied by other similar platforms. The specific activities include financing measures related to the establishment of the secretariat, preparation and signing of legal documents, as well as initial baseline surveys of the corridor and introduction of monitoring portals and procedures of the corridor.
- iv. Preparatory studies for key sections along the corridors: This includes the preparation of feasibility studies, detailed designs with climate resilient road guidelines, and ESIA for identified sections in need of rehabilitation and upgrade

along key corridors, namely the Walvis Bay / Trans-Caprivi corridor and the Nacala corridor. The poor condition of these sections is hampering the performance of these corridors. Along the Walvis Bay / Trans-Caprivi corridor, the rehabilitation of the Livingstone – Katima Mulilo road section in Zambia (212 Km) was identified as an urgent need. The road condition ranges from fairly good to very poor and is impassable along several stretches during rainy season. Along the Nacala Corridor, the Lusaka to Luangwa Road section (207 km) was identified as another section in need for upgrade (dualling the Lusaka to Chongwe section of 45 km) and rehabilitation (the Chongwe to Luangwa section of 162 km). The sections are bituminous standard and their current condition ranges from fair to poor with notable congestion along the Lusaka to Chongwe stretch. The studies will examine the possibilities of developing the widening section (Lusaka – Chongwe) using the PPP modality.

Component 2: Corridor-oriented development (US\$ 35 million)

- i. Assessment of socio-economic development opportunities along the corridor: This activity aims at identifying SME opportunities that will enable the acceleration and maximization of the project's development impact. These include areas that facilitate and compliment larger public and private investments aimed at increasing production and enhancing regional trade. Possible areas include for example are Agri-business logistics and value chains, tourism, and trade activities.
- ii. Development of identified SMEs businesses: This activity will be guided by the above assessment and will finance the implementation of selected opportunities identified under the assessment. This activity will complement to the extent possible other Bank-financed projects in the agriculture, tourism and SME-based industry and trade.

Component 3: Institutional and sectoral capacity development (US\$ 10 million)

- i. Developing the Zambia Logistics Policy and Strategy. This activity builds on the previous work conducted with support from the World Bank to develop a logistics strategy. The proposed activity will primarily update the existing strategy documents to reflect the recent mandate to the Ministry of Transport & Logistics to plan and oversee the logistics sector. It will also take into consideration the regional perspective, particularly the regional operation of the logistics sector across Zambia, Tanzania, Malawi DRC, Namibia, and Angola.
- ii. Developing a strategy and action plan for enhancing the operational efficiency and financial sustainability of Zambia Railways Company (ZRL). This activity includes an assessment of ZRL, and the development of a strategy and action plan for improving its operational and financial performance. This would better equip ZRL to handle future freight and to help achieve a greater modal shift towards railways (in line with

GRZ's set targets). Support for implementation of this plan could commence under SOP1 and continue under ensuing SOPs. The activity will encompass other initiatives and engagement to support TAZARA.

- iii. Supporting domestic construction industry in Zambia: This subcomponent builds on previous and ongoing support by the Bank towards the development of the domestic construction industry. The development of a healthy and strong domestic construction industry is key to support maintenance operations in the sector in the long term, as well as rolling-out of road safety programs on an annual basis throughout the road network. The subcomponent includes the development of a multifaceted national action plan and will complement efforts for developing sustainability and road safety in the sector.
- iv. Building institutional capacities: This subcomponent focuses on developing the different government entities' capacities in aspects related to planning, implementation, operation, and sustainability of regional corridors. At the planning level the subcomponent aims to raise capacities in planning corridors more closely to national and regional development agenda (away from the traditional physical infrastructure planning). At the sustainability front, the focus will be targeted towards developing sound road asset management system (Zambia for the first project) and building capacities to undertake corridor vulnerability assessments. The subcomponent will also include support for the formulation of the transport sector elements of the Zambia Green Growth Strategy, including e-mobility and green transport strategies, as well as supporting the completion and piloting of the localized climate resilient standards. Lastly, the subcomponent will support the further development of the PPP enabling environment in Zambia and help identify potential PPP modalities for delivering sustainable and resilient regional road programs.
- v. Project Management, Monitoring and Evaluation: This will include incremental administrative costs for the program delivery (including staff, audits, trainings and knowledge exchanges, and other goods and materials necessary for project management), operational support (including consulting and advisory services) for project management, project audits; and all activities associated with program

monitoring and evaluation and impact evaluation.

1.3 Project Location

The TRACER project will be implemented along three (3) key regional transport corridors. These being the: Serenje to Mpika, Kazungula to Katima Mulilo and the Lusaka to Luangwa roads as highlighted in the maps below.

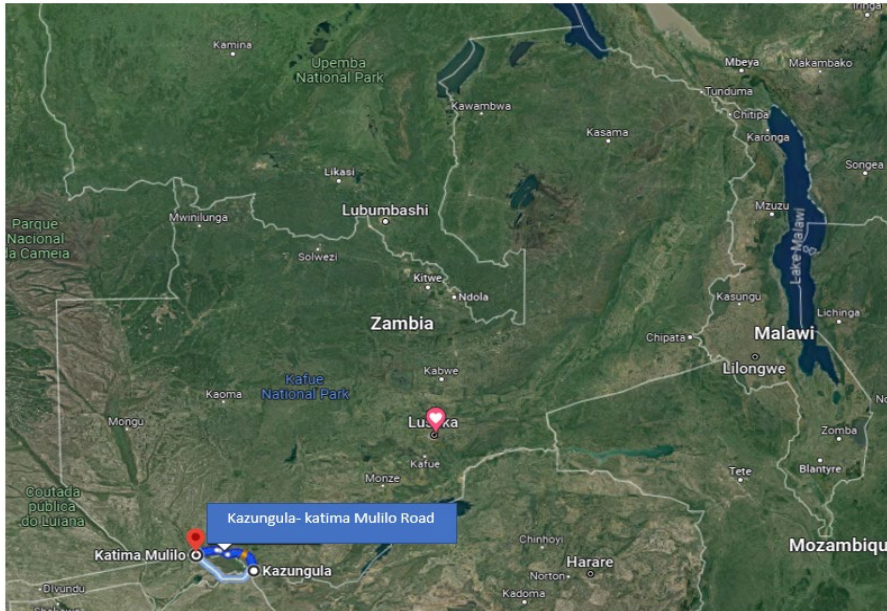


Figure 1: Kazungula- Katima Mulilo

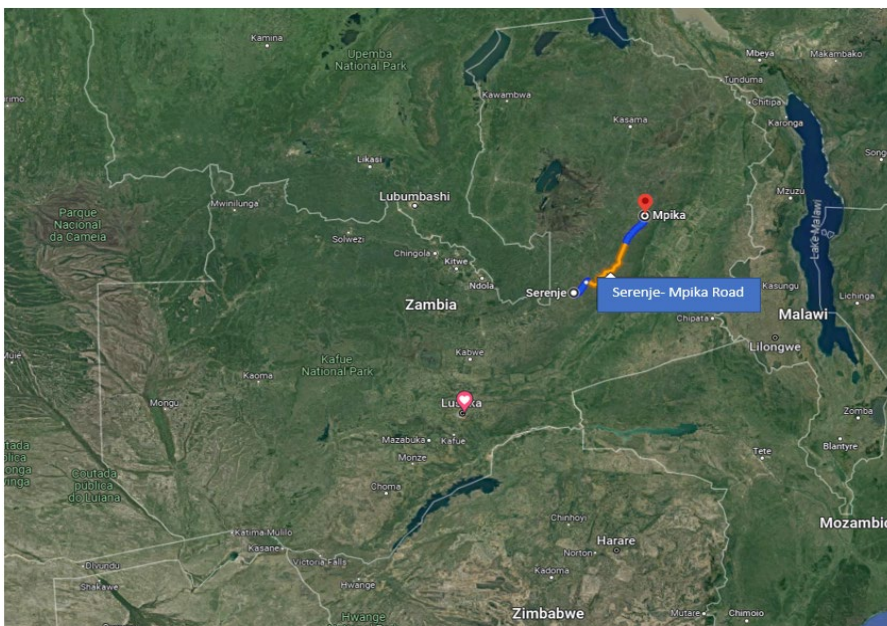


Figure 2: Serenje-Mpika road

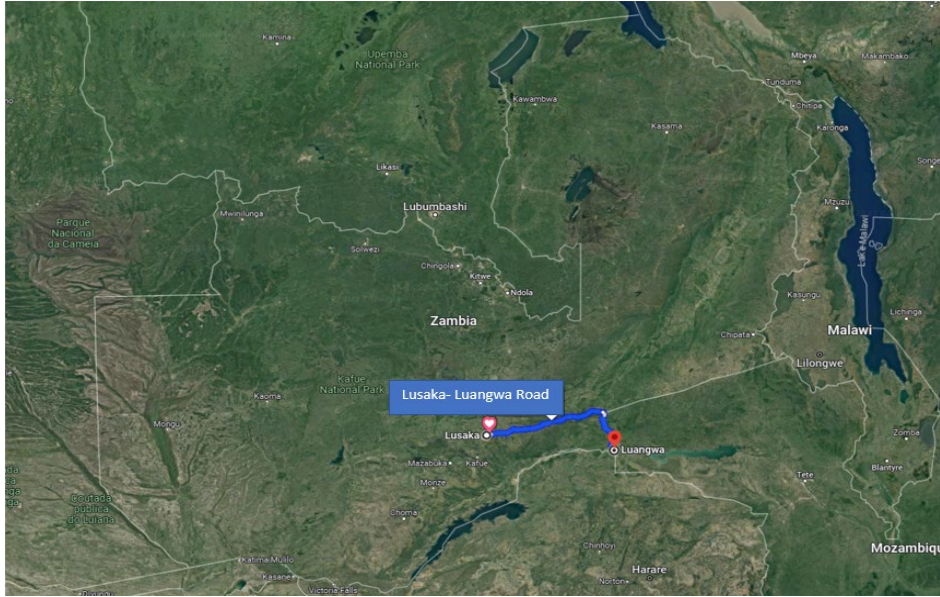


Figure 3: Lusaka-Luangwa road

2.0 OVERVIEW OF LABOUR USE IN THE PROJECT

The Labour Management Procedures (LMP) will apply to all project workers, skilled or unskilled, who include full time, part-time, temporary, seasonal, or even migrant workers. The LMP is applicable, as per ESS2 to the Project workers in three (3) categories as follows:

- i) **Direct workers** - people directly employed or engaged by the borrower (including the Project proponent and implementing agencies) to work specifically in relation to the Program/Project. The workers under the PIU are likely to be made up of employees of the Road Development Agency which is a quasi-government institution and those that may be engaged from the open market. RDA staff do not fall under the classification of civil servants. The composition of the PIU is not yet fully known but it is likely to comprise of the following:

A Project Manager (PM), who will be responsible for overall management and coordination of the TRACER project activities. The PIU will consist of one Financial Management Specialist, one Procurement Specialist, two Environmental Specialists, two Social Specialists, one Occupational Health and Safety Specialist, one Monitoring and Evaluation (M&E) Specialist, three Civil Engineers, two Drivers and one Office Assistant. These staff will assume additional responsibilities of

supporting TRACER project implementation. Qualifications, experience, and terms of reference requirements for each position will be provided in the Project Implementation Manual (PIM).

- ii) **Contracted workers** - will include individuals drawn from communities in the project sites to support construction works for the road and its associated civil works. These will include bricklayers, carpenters, drivers, general workers, among others. These will be the workers who will be contracted to undertake specific tasks both skilled and unskilled. Contracted workers will also consist of consultants hired to conduct technical studies and workers employed under the hired subcontracted companies.
- iii) **Primary supply workers** - these will be people employed or engaged by the Project's primary suppliers of goods and materials for the core functions of the project (construction materials, fuel and lubricants, etc.). Workers from primary suppliers will be required to adhere with the ESS2 and ESS4 and national labour law through formal labour engagements with the supplying entity regarding involvement with the implementation of activities under the TRACER project.

The Project PIU's proposed structure is as illustrated in Table 1 below: The workers that will be engaged in the PIU will be RDA employees who are not classified as civil servants and those that may be employed from the open market.

Table 1 Description of Project Direct Workers

S/N	Position	Number	Responsibilities of Worker
1.	Project Manager	1	To provide oversight and coordination of activities under the PIU.
2.	Financial Management Specialist	1	Carry out financial assessments covering project budgeting, internal controls, accounting, funds flow, financial reporting, auditing arrangements.
3.	Civil Engineers	3	Responsible for overseeing the implementation of the road projects and associated infrastructure projects
4.	Social Development Specialist	1	Responsible for social sustainability and social risk management to provide technical support for social sustainable and inclusive development, particularly relating to involuntary resettlement and livelihoods, labour issues (forced labor, SEA/SH and child labor), social inclusion, risk mitigation and institutional capacity building
5.	Gender /GBV specialist	1	Responsible for developing and implementing strategies to prevent and respond to gender-based violence and providing expertise in gender analysis and gender mainstreaming.
6.	Land acquisition and resettlement specialist	1	Responsible for overseeing the development and implementation land acquisition and resettlement plans. Ensures compliance with relevant laws, regulations, and policies related to land acquisition and resettlement
7.	Environmental Specialist	1	Provides oversight, review of screening reports and tools, review of ESMPs, C-ESMPs, ESIA/EPBs, OHS plans and close monitoring and evaluation of all the sub project activities and subprojects with or

S/N	Position	Number	Responsibilities of Worker
			without Supervising Engineers or Consultants. Ensures that monitoring sub project activities are undertaken, and findings reported periodically so that remedial/ corrective actions and technical assistance are implemented to ensure compliance.
8.	Procurement Specialist	1	Facilitates the procurement of goods, works, non-consultancy and consultancy services for effective delivery of project goals.
9.	Occupational and Health Specialist	1	Provision of oversight on OHS implementation and undertaking the necessary capacity building activities to ensure that safety issues are incorporated in all project activities.
10.	Monitoring & Evaluation Specialist	1	Designing Results Framework, implementing monitoring systems and tools, monitoring project activities, outputs and progress towards anticipated results.
11.	Administrative Assistant	1	Provide administrative support to the PIU including data collection, report writing, research and collaboration with project team members.
12.	Office Assistant	1	Perform clerical duties including, keeping the office environment clean, stocking up office supplies, photocopying, scanning, filing, and logistical support for workshops and project/field activities.
13.	Drivers	2	Provision of reliable and secure driving services by driving Project vehicles for the transport of authorized personnel and delivery and collection of mail, documents and other related goods and supplies for the PIU.
	Total	16	

Table 2 Showing the Number of Categorized Workers

S/N	Number of Categorized Workers.	Number of Workers
1.	Direct workers	16
2.	Contracted Workers	Hired when required
3.	Primary Supply Workers	Hired when required

3.0 ASSESMENT OF KEY POTENTIAL LABOUR RISKS

During the implementation of the TRACER project, several key labor risks have been identified. These risks include:

- a) **Conducting hazardous work:** There is a risk of workers being exposed to hazardous conditions, such as working at heights, working in confined spaces, operating heavy machinery, or handling hazardous materials. For example, workers may be involved in blasting stones at quarries using explosives or handling hazardous waste materials like used oil.
- b) **Incidence of child labor and forced labor:** There is a risk of child employment, where community members below the age of eighteen may be engaged in project work. Additionally, there is a risk of forced labor among contracted workers who may be coerced to work against their will until tasks are completed.

- c) **Labor influx:** The project may attract migrant or seasonal workers due to the nature of the road construction jobs. Contractors may bring in skilled labor, such as grader operators and machine operators. There is also a risk of sex workers migrating to project areas, which may pose additional challenges.
- d) **Gender-based violence, sexual exploitation, and abuse:** Women workers may be particularly vulnerable to gender-based violence, sexual exploitation, and abuse from male workers. These risks can occur during the hiring and employment process, at work sites, or even outside the worksite in project areas and surrounding communities. Discrimination and deprivation of equal opportunities based on gender, religion, political affiliation, or physical ability/disability may also arise.
- e) **Possible accidents or emergencies:** Due to the nature of road construction, there is a risk of accidents for workers. Some sections of the road may remain open to traffic during construction, and disobedience of traffic signs by motorists can put workers at risk.
- f) **Community Health and Safety (CHS):** There are extensive CHS risks associated with the project. These risks include:
- Traffic and road safety risks due to increased construction and vehicular traffic.
 - Unsafe and climate-vulnerable infrastructure, such as roads and bridges, which may collapse during extreme weather events.
 - Lack of security at campsites/worksites, leading to theft of equipment and fuel, as well as accidents caused by community encroachment.
 - Spread of diseases like Covid-19 and malaria to local communities due to the influx of workers into project areas.
 - Inappropriate disposal of wastewater, solid waste, and hazardous waste, leading to the spread of infectious diseases and pollution of local water resources and air.
 - Storage of bulk fuel, which can result in fuel leakage or fire incidents that could impact nearby communities and water resources.
 - Lack of emergency response coordination at project sites, leading to uncontrolled spread of contaminants and fire incidents.
 - Inappropriate storage of hazardous materials, resulting in community exposure through water and air pollution.
 - Operational hazards at specific subprojects, such as quarry sites, where careless usage of explosives can lead to serious accidents.
 - Inadequate provision of drinking water and potential irreversible damage to the local ecosystem.
- g) **Inadequate Occupational Health and Safety (OHS) practices:** There is a risk of worker injuries due to inadequate OHS practices and procedures during the

implementation of all three Standard Operating Procedures (SOPs). Workers may be exposed to physical, chemical, biological, and other hazards, including working at heights, in confined spaces, night work, improper ventilation, poor lighting, faulty electrical systems, trenches, tools, machinery, equipment, stress, electricity, road travel, noise, vibration, trips, slips, falls, heat, paints, cement, hazardous materials, viruses, infections, excavations, moving objects, asbestos, and more. Infrastructure may create a dangerous environment, and continuous inhalation of dust from construction activities may harm workers' respiratory systems. Project-related travel also increases the risk of accidents for workers.

Additionally, environmental degradation, such as vegetation degradation, water contamination, waste disposal, noise pollution, dust pollution, and illegal quarrying, poses risks to both laborers and the environment.

3.1 Mitigation Measures

The proposed remedial mitigation measures for all the above risks will be designed and implemented to address the following:

1. Identification of potential hazards to project workers, particularly those that may be life-threatening.
2. Provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances.
3. Training of project workers and maintenance of training records.
4. Documentation and reporting of occupational accidents, diseases, and incidents.
5. Emergency prevention and preparedness and response arrangements to emergency situations.
6. Remedies for adverse impacts such as occupational injuries, deaths, disability, and disease.

Specific measures to address these risks include:

- a) Developing a site-specific blasting plan: This plan ensures that blasting activities are carried out safely, minimizing the risk to workers and nearby communities.
- b) Enforcement of labor laws: This measure ensures that there are no incidences of child labor and forced labor. Only individuals who are eighteen (18) years old and above should be employed, and no one should be made to work against their will.
- c) HIV/AIDS awareness campaigns and distribution of information to the community and workers: This measure aims to raise awareness about HIV/AIDS and promote preventive measures among the workforce and the local community.

- d) Ensuring non-discrimination and equal opportunities: This measure ensures that no one is discriminated against or deprived of the opportunity to work on the project based on factors such as gender, religion, political affiliation, or physical ability/disability.
- e) Distribution of literature, adverts, and announcements on road safety: This measure aims to educate the public, including workers and motorists, about road safety to prevent accidents and injuries.
- f) Conducting trainings and sensitization on safety: This measure involves providing training and awareness programs not only to workers but also to the community and motorists to promote a culture of safety.
- g) Implementation and monitoring of an appropriately scaled OHS plan or Health Safety Management Plan (HSMP): This plan incorporates various elements such as hazard identification, risk assessment, communication and training, implementation and monitoring, and standards and requirements of personal protective equipment (PPE) and other technical measures. The plan is based on relevant guidelines and standards, such as the Global Infrastructure Investment Platform (GIIP) and the World Bank Environmental, Social, and Health and Safety Guidelines (ESHGs).
- h) Other general remedial measures: These measures include maintaining working conditions in line with relevant environmental and social standards (ESS2) and local labor legislation. This includes clearly stipulating work hours, ensuring the issuance of pay slips, providing healthcare coverage, maintaining valid contracts, enforcing a code of conduct, ensuring timely payment of worker salaries, and complying with national labor laws and ESS2 requirements.
- i) Implementing the Grievance Redress Mechanism (GRM): This mechanism addresses project-related complaints and provides specific guidance on handling cases of gender-based violence (GBV). Sensitization on the worker GRM is conducted, and a survivor-centered approach and referral pathway are established to support those affected by GBV.
- j) Minimize the health risks associated with asbestos-containing materials by avoiding their use in new construction and renovation. In the reconstruction, demolition, and removal of damaged infrastructure, asbestos hazards should be identified, and a risk management plan should be adopted. This plan should include disposal techniques and end-of-life sites.

4.0 BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The Government of Zambia has enacted labor laws which regulate principles/concepts of employment in Zambia and govern the employer and employee relationship. The LMP for the TRACER project is informed by articles contained in relevant national labor laws that include the Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia, the Occupational Health, and Safety Act No. 36 of 2010, and the Public Health Act Chapter 295 of the Laws of Zambia. The laws' basic requirements of employment are materially consistent with ESS2 and ESS4. The national labor directives cover hours of work, benefits (if any), job description, leave entitlements, protection of wages, termination of employment, grievance procedure and code of conduct, and prohibited labor of children or young persons. In addition, occupational health and safety, stipulation of categories of worker (including protected and non-protected and casual workers) and prescription on national health cover are also specified in the legislation.

The PIU will ensure that national Labour legislation together with ESS2 and ESS4 requirements are followed to guide the project and protect both the workers and employers. Below is a summary of the guiding national laws.

Table 3 Summary of legal documents guiding the LMP.

S/N	Legislation	Description	Project Activity
1.	The Employment Code Act No. 3 of 2019	<p>A) Act regulates the employment of persons; prohibit discrimination at an undertaking; constitute the Skills and Labour Advisory Committees and provide for their functions; provide for the engagement of persons on contracts of employment and provide for the form and enforcement of the contracts of employment.</p> <p>i. Provide for employment entitlements and other benefits;</p> <p>ii. Provide for the protection of wages of employees;</p> <p>iii. Provide for the registration of employment agencies; regulate the employment of children and young persons;</p> <p>v. Provide for the welfare of employees at an undertaking and;</p> <p>v. Provide for employment policies, procedures and codes in an undertaking.</p>	The PIU will follow the Employment Code Act No 3 of 2019 in terms of providing entitlements, contract of employment and other benefits.
		<p>B) Types of contracts under the Act</p> <p>a.a permanent contract;</p> <p>b.a contract for a long-term;</p> <p>c.a contract for a specific task;</p> <p>d.a contract for a probationary period not exceeding 3 months</p>	

S/N	Legislation	Description	Project Activity
2.	The Public Health Act Chapter 295 of the Laws of Zambia	<ul style="list-style-type: none"> Provides for the prevention and suppression of diseases and generally regulates all matters connected with public health in Zambia. The Act ensures that the workers are safe and protected at their workplace through the provision of First Aid, washing facilities (sanitation) and providing compensation to the workers in case of any accidents. 	<p>The PIU shall follow the Public Health Act Chapter 295 of the Laws of Zambia, in terms of providing safety measures for the workers of the project to suppress exposure and transmission of communicable diseases.</p> <p>The PIU shall provide First Aid (training and kits), washing facilities (sanitation) and compensation to the workers in case of any accidents.</p>
3	Occupational Health and Safety Act No. 36 of 2010	<ul style="list-style-type: none"> The Act provides for the establishment of health and safety committees at workplaces and for the health, safety and welfare of persons at work; provide for the duties of manufacturers, importers and suppliers of articles, devices, items and substances for use at work; provide for the protection of persons, other than persons at work, against risks to health or safety arising from, or in connection with, the activities of persons at work; 	<p>The PIU shall follow the Occupational Health and Safety Act No. 36 of 2010 of Zambia, in terms of providing safety measures for the workers of the project such as have correct tools for work, appropriate health and safety training, clearly label all hazardous spaces materials.</p>
4.	Public Health Act, issued two Statutory Instruments (SI), No. 21 and 22 of 2020, to respond to the COVID-19 pandemic	<ul style="list-style-type: none"> Two statutory instruments (SIs) have been issued in response to the COVID-19 pandemic. The first, SI No. 21 of 2020, declared the Coronavirus Disease 2019 as a notifiable infectious disease in line with Section 9 of the Public Health Act. The second, SI No. 22 of 2020, set out measures aimed at controlling the spread of COVID-19. This includes mandatory quarantine measures for patients and those suspected of suffering from COVID-19. The two SIs facilitate the management and Control of COVID-19 including workplaces. 	<p>The PIU unit shall follow all the guidelines and measures issued by the Ministry of Health (MoH) to respond to the COVID -19 pandemic.</p> <p>The PIU will ensure that all categories of workers comply with the measures MoH has put in place (such as sanitizers, PPEs to the workers).</p>
5.	Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia	<ul style="list-style-type: none"> The Act relates to trade unions, the Zambia Congress of Trade Unions, employers' associations, the Zambia Federation of Employers, recognition agreements and collective agreements, settlement of collective disputes, strikes, lockouts, essential services and the Tripartite Labour Consultative Council; the Industrial Relations Court; to repeal and replace the Industrial Relations Act, 1990; and to provide for matters connected with or incidental to the foregoing 	<p>The Project will support the freedom of workers to belong to a trade union.</p>

S/N	Legislation	Description	Project Activity
6.	National Health Insurance Act No. 2 of 2018	<ul style="list-style-type: none"> The Act provides for sound financing for the national health system; provide for a universal access to quality insured health care services; establish the National Health Insurance Management Authority and provide for its functions and powers; establish the National Health Insurance Scheme and provide for its systems, procedures and operation; establish the National Health Insurance Fund and provide for contributions to and payments from the Fund; provide for accreditation criteria and conditions in respect of insured health care services; provide for complaints and appeals processes; provide for the progressive establishment of provincial and district health offices of the Authority; and provide for matters connected with, or incidental to, the foregoing. 	The Project will adhere to the provisions of the law to ensure health insurance cover for workers who will be employed under the project.

5.0 BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY (OHS)

In accordance with the Occupational Health and Safety Act No. 36 of 2010 (which applies to all places of work), the Public Health Act Chapter 295 of the Laws of Zambia and annex 3, it is the duty of the employer to ensure and provide:

- the establishment of health and safety committees where there are ten or more workers at workplaces.
- worker welfare provisions such as safe drinking water, shelter, and rest areas, etc.
- the protection of persons, other than persons at work, against risks to human health or safety arising from, or in connection with, the activities of persons at work; including adequate first-aid arrangements to deal with emergencies and accidents.
- matters connected with, or incidental to, the foregoing.
- place and maintain an employee in an occupational environment adapted to the employee's physical, physiological, and psychological ability.
- maintain adequate supply of drinking water, and separate eating & resting areas free from poisonous or injurious substances.
- to prepare a health and safety policy concerning the protection of the health and safety of the employees, including a description of the organization and arrangements for carrying out reviews to that policy.

A worker is also expected to take reasonable care for his/her own health and safety and that of other persons who may be affected by his/her acts or omissions at the workplace. Annex 3 outlines the responsibilities of an employer(s) and workers.

The OHS is applicable to all categories of workers of the project. Therefore, before the implementation of the SOP activities, the PIU or leading entity should conduct project screening, prepare an ESMP that includes or accompanies a standalone OHS plan, and includes OHS terms and conditions in the bids and contracts including OHS requirements and the preparation of a C-ESMP and an appropriate scaled OHS plan. The leading entity or contractor will be required (i) to conduct a hazard analysis of the work tasks and activities to identify potential OHS risks (ii) prepare preventive and mitigation measure following the mitigation hierarchy (elimination, substitution, engineering controls, administration controls, PPE) (iii) training and communication (iv) OHS objectives and targets (v) work permit system (vi) management of subcontractors (vii) health and safety at project sites (viii) include provisions for emergency responses in the OHS plan with a focal contact officer should an accident occur. The Bank will provide an example of a HSMP template that could be used. The template needs to be contextualized, tailored and appropriately scaled to each project activity.

The contractor will be required to keep the site free of drugs and alcohol. The contractor's site safety plan will include provision for a safe work environment and provide safety measures and protective equipment to all workers, including hand, head, eye and ear protection and safety footwear. The site safety plan will include training at regular intervals to workers to enhance their OHS skills, provision of first aid facilities on-site and employ a trained first aid person, in accordance with the provisions of the Occupational Health and Safety Act No. 36 of 2010 and the Public Health Act Chapter 295 of the Laws of Zambia. The PIU and Contractor will document, report and investigate all occupational accidents and incidents no later than 48 hours after learning of the incident or accident and in accordance with World Bank incidence classification and national laws.

To manage Community Health and Safety risks the following should be considered (i) appropriate road safety policies, plans, construction standards and mitigation measures detailed in the ESMPs, (ii) appropriate use of international recognized building and infrastructure construction codes with an emphasis on climate resilience, (iii) sub project site security measures to prevent accidental and intentional encroachment on project sites, theft of equipment, attacks and robbery of construction workers, (iv) appropriate waste management plans including the use of the standards and management procedures set out in the WB ESHGs and agreed GIIP where appropriate, (v) comprehensive and well-rehearsed emergency response measures to address potential project unanticipated incidents, arising from both natural and man-made hazards in protected and unprotected areas that includes but is not limited to a catastrophic fuel leak into a waterway or ground water from a fuel installation, an explosion of a fuel installation, (vi) the appropriate level of Covid 19, malaria and other current communicable diseases mitigation measures, (vii) all ESMPs should include a thorough assessment of operational safety hazards and will provide an appropriate level of mitigation measures e.g. the potential for pollution events that will contaminate local community water resources, etc., and (viii) the appropriate management of hazardous materials to prevent discharge to the environment, fire or accidental or intentional access by local community members. Similarly, risks and impacts associated with project Technical Assistants (TA) activities are likely to be moderate and mitigated by adopting ESS 4 requirements into the Terms of Reference of TA activities.

6.0 RESPONSIBLE STAFF

The PIU (see Table 4 below) under the Road Development Agency will be responsible for the overall project management and coordination, including compliance with national labor laws along with ESS2 and ESS4 requirements. The workers under the PIU are likely to be made up of employees of the Road Development Agency which is a quasi-government institution and those that may be engaged from the open market. The responsibilities of the PIU will be as follows.

The Project Manager will be responsible for overall management and coordination of the TRACER project activities and will be assisted by a team of specialists comprising financial

management, civil engineers, occupational health and safety expert, environmentalists, social scientists, procurement and M&E, the day-to-day fiduciary requirements and technical engagements will further be achieved with the support of office administration, accountants, and transport officers. With respect to accountability, the PIU will report to the Director and Chief Executive Officer of RDA who will in turn report to the RDA Board of Directors and the Permanent Secretary at the Ministry of Infrastructure, Housing and Urban Development.

The PIU, through the Project Manager and the Social Specialist, will oversee all aspects of the implementation of the LMP, to ensure contractor and/or Supervising Consultant compliance with the ESMP, ESIA, C-ESMP, OHS plans, etc. The PIU will be responsible to notify the Bank of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, inter alia, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injuries. The PIU will provide sufficient detail regarding the scope, severity, and possible causes of 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/or supervising firm, as appropriate. All incidents and accidents will be reported within 48 hours.

The PIU will handle all LMP aspects as part of hiring for works and during procured contractor induction to the Project. The contractor will be responsible for management of their workers' contracts in accordance with national labor laws, World Bank ESS2, ESS4 and LMP requirements which will be supervised by the PIU monthly. The Contractor will be required to adhere to the requirements of the LMP as part of the contract in the works of the Project.

6.1 Engagement and Management of Project Workers

The project will use the Government of the Republic of Zambia (GRZ) and World Bank ESF standards to engage and manage project workers.

6.2 Engagement and Management of Contractors/Subcontractors

The project will use the Government of the Republic of Zambia (GRZ) and World Bank ESF standards to engage and manage the contractors.

6.3 Occupational Health and Safety (OHS)

The Project Manager working in collaboration with the Occupational Health and Safety Specialist will oversee the adherence of safety standards during all project activities in accordance with the provisions of the Occupational Health and Safety Act No 36 of 2010 and the World Bank's ESS2.

The Occupational Health and Safety Act, No. 36 of 2010, provides among others for the establishment of health and safety committees at workplaces and the health, safety, and welfare of persons at work; provides for the duties of manufacturers, importers, and suppliers of articles, devices. It further provides for the protection of persons, other than persons at work, against risks to health or safety arising from, or in connection with, the activities of persons at work; and provides for matters connected with, or incidental to, the foregoing. The Act works to anticipate potential accidents at workplaces and states what measures should be put in place to ensure the workforce and the public are protected at all times. Section 18. (1) of the Act states that an employer shall, so far as is reasonably practicable, conduct the employer's undertaking in such a way that persons who are not employed by that employer and who may be affected by activities at the employer's workplace are not exposed to risks to their health or safety.

6.4 Training of Workers

The contractors will manage trainings under OHS which will include the following:

- i. HIV/AIDS – provide information on HIV/AIDS in terms of prevention measures or treatment.
- ii. GBV – conduct trainings on the various forms of GBV and how they can be prevented.
- iii. Sensitization of workers on the GRM in case they face any grievance.
- iv. Child labor - the workers and communities will be sensitized on child labor and how to prevent it.
- v. Regular toolbox trainings on the proper use of Personal Protective Equipment.
- vi. OHS plan - (i) conduct a hazard analysis of the work tasks and activities to identify potential OHS risks (ii) prepare preventive and mitigation measure following the mitigation hierarchy (elimination, substitution, engineering controls, administration controls, PPE) (iii) training and communication (iv) OHS objectives and targets (v) work permit system (vi) management of subcontractors (vii) health and safety at project sites (viii) include provisions for emergency responses in the OHS plan with a focal contact officer should an accident occur, etc.

7 POLICIES AND PROCEDURES

The civil works contract includes all the work required to achieve the agreed finished results. The Contractors are expected to perform their duties under the contract in a professional manner and through the use of best practices. The contractors who shall be liable for implementation of their works are expected to interpret the information presented in the contract documents. Should the finished output(s) be found to be at variance with the requirements of the contract, the contractors will be expected to repair or replace at their own costs. The contractors are liable for the conformity of their work during the defects liability period of 12 months. The contractors are obliged at their own cost to repair defects during the defects liability period.

a) Occupational Health and Safety

Pursuant to the relevant provisions of the Occupational Health and Safety Act No. 36 of 2010 (which applies to all places of work), the Public Health Act Chapter 295 and Industrial and Labour Relations Act Cap. 269, ESS2 (including WBG EHSs), and WB standard procurement documents, the PIU will manage the project in such a way that project workers are properly protected against possible OHS risks. The contractors will also be required to produce policies and procedures in line with these provisions. Key elements of OHS measures include: (i) identification of potential hazards to workers; (ii) provision of preventive and protective measures; (iii) training of workers and maintenance of training records; (iv) documentation and reporting of occupational accidents and incidents; (v) emergency preparedness; and (vi) remedies for occupational injuries and fatalities;

b) Child labor or Forced Labor

The minimum age of project workers for the project is set at 18 years. To prevent engagement of under-aged labor or any form of forced labor, all contracts shall have contractual provisions to comply with the minimum age requirements including penalties for noncompliance in-line with the relevant laws. The PIU is required to maintain labor registry of all contracted workers with age verification. More details are provided in Section 8.

c) Labor Disputes Over Terms and Conditions of Employment

To avoid labor disputes, fair terms and conditions will be applied for project workers (guided by relevant laws). The project will also have GRMs for project workers (direct workers and contracted workers) to promptly address their workplace grievances (more details are provided in Section (10)). Further, the project will respect the workers' right of labor unions and freedom of association, as set out in the Industrial and Labour Relations Act Cap. 269 and ESS2.

d) Discrimination and Exclusion of Vulnerable Groups

The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to

any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the Industrial and Labour Relations Act Cap. 269 on gender equality in the workplace, which will include provision of maternity and sick leave. There will also be sufficient and suitable toilet and washing facilities, separate from men and women workers (especially in participating schools and supported office facilities). The contracts with third parties will include these requirements, which will also be part of the monitoring system.

e) GBV Including all Forms of Sexual Harassment:

Given the implementation context, sexual harassment, exploitation, and abuse of co-workers and is a likely risk. Thus, all staff and contracted workers will sign the code of conduct (CoC) outlining expected standards of behaviour in this regard and attend an awareness session on the same which will address the consequences of such actions. The PCU will identify a qualified trainer/consultant to offer training on GBV. Special provisions will be made in the grievance redress mechanism (GRM) to address GBV complaints as described below.

f) Addressing GBV/SEA cases

A GBV Action Plan will be developed as part ESIA. The Plan will be based on existing protection, prevention and mitigation strategies and measures developed by the WB and coordinated through the PIU as well as respective MDAs at the implementation level. The implementation of this Plan will be supported by experienced service provider for GBV/SEA which will include a hotline for reporting cases of GBV/SEA and child abuse. To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the GRM will have a survivor-centred approach to GBV-related cases. Where such a case is reported, the complainant will be provided with information about the available services including referral to the GBV Service Provider; confidential appropriate medical and psychological support; emergency accommodation; and any other necessary services as appropriate including legal assistance. Staff contacted by a survivor will immediately inform the GBV Service Provider or refer him/her to a health centre which specializes in free post-GBV health support (within 72 hours of the incident). All staff and GRM focal points will be informed that if a case of GBV is reported to them, the only information they will establish is if the incident involves a worker on the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred to service provision.

g) Monitoring and reporting

The PIU shall report on the status of implementation of the above policies and procedures on a monthly basis. The PIU will closely monitor day to day labor and OHS performance of the project and report to the World Bank on a quarterly basis.

h) Fatality and serious incidents

In the event of an occupational fatality or serious injury, the PIU shall report to the World Bank as soon as it becomes aware of such incidents and inform the RDA in accordance with national reporting requirements. Corrective actions shall be implemented in a timely manner in response to project-related incidents or accidents. The TRACER Project implementing team or, where relevant a consultant, may conduct a root cause analysis for designing and implementing further corrective actions. Annex 5 provides an overview of the reporting of work-related accidents/incidents.

i) COVID-19:

Cases of Covid 19 have been drastically reduced during the course of 2023, although the Ministry of Health has continued to encourage the need for citizens to adhere to the Covid 19 prevention measures such as regular hand washing, hand sanitization and the wearing of face masks. However, adherence to these guidelines by the general public is relatively low. The Contractor(s) will however be expected to provide the basic Covid 19 requirements to their employees.

j) Worker Accommodation

If accommodation is provided for workers, contractors will ensure that such accommodation of good hygiene standards, with fresh drinking water, clean beds, restrooms and showers, clean bedrooms, good illumination, lockers, proper ventilation, safe electrical installation, fire and lightening protection, separate cooking and eating areas. There will be separate facilities provided for men and women. The contractors will be liable to comply with "Workers' Accommodation: Processes and Standards: A guidance Note" by IFC and the EBRD.

8 AGE OF EMPLOYMENT

The following provisions will guide the employment age requirements on the TRACER project.

- a) Minimum age of employment - The Employment Act, Chapter 268 of the laws of Zambia, sets out the minimum contractual age as 16 years. However, under this project, persons under the age of 18 will not be employed or engaged in connection with the project, as per ESF requirements. This is because the road construction activities are likely to be hazardous, interfere with the child's education, or be harmful to the child's health, physical, mental, spiritual, moral, or social development.

- b) Process to be followed in verifying age of project workers – the workers will be asked to produce their national registration card or other documents as proof of age of the applicant.
- c) Once underage workers are found working on the project, the cases shall be addressed in accordance with procedures highlighted in the Employment Act of Zambia.
- d) In case it is found that underage children are working during the implementation of the project, the following procedures, among others, will be applied:
 - e) routinely document check process without raising the alarm;
 - f) Review age documents of the child and verify that they are genuine;
 - g) If document checks confirm the child is underage, remove the child from all work immediately;
 - h) If the documentary evidence is inconclusive, checking the age of the child may entail Communication or meeting with parents and guardians of children, contacting local labor authorities to validate identification, and conduct medical checkups to assess age;
 - i) Obtain contact details (ideally mobile phone number) of child and parents/guardian, and wherever possible, home address;
 - j) Talk to the child to ensure they understand what is happening and why, as well as risks and hazards of child labor;
 - k) Meet with the contractor and site supervisor/consultant to communicate the policies and basic position regarding child labor;
 - l) Contact the parents/guardians to ensure that they understand and agree with what is happening and to explain the risks and hazards of child labor;
 - m) Review all the personnel records at the workplace to identify whether there are any other child workers; and
 - n) Give advice to the contractor and supervision engineer/consultant on improving age verification systems to ensure that no new child worker is hired.

9 TERMS AND CONDITIONS

The TRACER project will be implemented as a government project. The direct workers may be drawn from the existing employees of the Road Development Agency or may be engaged from the open market. Alternatively, the direct workers may be a mixture of employees of RDA and those engaged from the open market specifically to provide their services to the project. The project will also engage contracted workers and primary supply workers. The Project will ensure all terms and conditions of employment for all workers of the Project meet set minimum employment terms and conditions in accordance with national employment act.

Overall, the Project will observe national employment law through entitlements such as a minimum wages scale, non-discrimination, and equal opportunity, working hours will be from 08:00 hours to 17:00 hours, Monday to Friday, including a lunch break of one hour. Work over weekends will be agreed upon as stipulated in the Employment Act of

Zambia, annual leave, and other applicable forms of leave (maternity, sick leave, special leave, etc.), as well as duration of employment and right to form associations. Furthermore, the Employment Act will also guide the Program on 'in kind payments' in cases it will be allowed for personal use and benefit of a community worker. The Project will ensure worker's compliance with national laws barring SEA/SH and GBV in a workplace through knowledge creation and an operational grievance procedure.

For the TRACER project, the following provisions will inform management of all workers engaged on the project:

- a) **Direct workers:** The terms and conditions for direct workers under the PIU, consultants and workers at the project supported facilities will be governed by National Labour Laws. Workers who are on short-term employment will not have maternity or annual leave, etc. Their terms and conditions will be based on a specific assignment to be completed within a specified period at a pay rate per day. These terms and conditions will be discussed at recruitment.
- b) **Contracted workers:** The Employment Act and associated public service regulations are the guiding legislations on employment terms and conditions for contracted workers. RDA shall therefore follow the provisions related to labour engagements and management.
- c) **Minimum Wages:** The official minimum wage will be governed by the provisions of the Employment act of 2019. All efforts will be made to ensure that contractors do not underpay and overwork their workers, more so temporary (casual) workers.
- d) **Hours of Work:** Normal hours of work of a project worker during days of the week (Monday to Friday) shall not exceed 8 hours a day. Hours worked in excess of the normal hours shall be entitled to relevant allowances.
- e) **Rest per week:** All the workers under the PIU shall be entitled to rest on Saturday, Sunday and on public holidays recognized as such by the Republic of Zambia.
- f) **Annual leave:** All PIU workers (apart from consultants) shall be entitled to 30 days' leave with pay for every year of continuous service. An entitlement to leave with pay shall normally be acquired after a full year of continuous service.
- g) **Maternity and Paternity leave:** A female worker shall be entitled, on presentation of a medical certificate indicating the expected date of her baby to a 14-week maternity leave while male workers shall be entitled for paternity leave of 7 days with pay, provided that she/he has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.
- h) **Deductions from remuneration:** No deductions other than those prescribed in labour laws shall be made hereunder or any other law or collective labour agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing. The employer shall not demand or accept from workers any cash payments or presents of any kind in

return for admitting them to employment or for any other reasons connected with the terms and conditions of employment.

- i) **Death benefit:** In case of death of a worker during his/her contract of employment, the employer shall pay to his/her remuneration as death benefits in-line with the provisions of the relevant laws.
- j) **Medical treatment of injured and sick workers:** Contract workers shall at a minimum be expected to be enrolled on an insurance policy by the contractors. All other workers will continue to benefit from medical insurance as arranged by their employers (e.g. for civil servants the civil service insurance scheme).
- k) **Compassionate leave:** An employee is entitled to compassionate leave with full pay of up to at least twelve (12) days in a calendar year for losing a spouse, child, parent, dependent or on justifiable compassionate grounds.

10 GRIEVANCE REDRESS MECHANISM

In any working environment, it is essential for both employers and employees to be fully conversant with all aspects of disciplinary processes, grievance handling procedures, and the legal requirements and rights involved. Implementing an effective dispute management system requires consideration of the disputes resulting from the following:

- a) Disciplinary action
- b) Individual grievances
- c) Collective grievances and negotiation of collective grievances
- d) Gender-based violence, sexual exploitation, and workplace sexual harassment

10.1. Disciplinary Procedure

The starting point for all disciplinary action is rules. These rules may be implied or explicit and will vary from workplace to workplace. Some rules are implied in the contract of employment, such as a rule against stealing from the employer. However, it is advisable to include even implied rules in the disciplinary code or schedule of offenses. In an organized workplace, these rules are ideally negotiated with the trade union and often included in the Recognition Agreements signed by the employer and trade union. The workplace rules must meet the following criteria:

- a. Valid or reasonable
- b. Clear and unambiguous
- c. The employee is aware, or could reasonably be aware, of the rule or standard
- d. The procedure to be applied in the event the employee contravenes any of these rules.

To establish a fair and effective disciplinary procedure in the workplace, the following steps should be followed:

- a) Conduct an investigation to determine whether there are grounds for a hearing to be held.
- b) If a hearing is to be held, the employer must notify the employee of the allegations using a form and language that the employee can understand.
- c) The employee should be given reasonable time to prepare for the hearing and to be represented by a fellow employee or a union representative.
- d) The employee must be given an opportunity to respond to the allegations, question the witnesses of the employer, and lead witnesses.
- e) If an employee fails to attend the hearing, the employer may proceed with the hearing in the absence of the employee.
- f) The hearing must be held and concluded within a reasonable time and should be chaired by an impartial representative.

- g) If an employee is dismissed, they must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal. Therefore, it is important for contractors to ensure that they have a disciplinary procedure and code that employees are aware of. Each contractor will be required to produce this procedure to ensure that employees are not treated unfairly.

10.2 Individual Grievance Procedure

Every employer, including contractors, should have a formal grievance procedure that is known and explained to the employee. The recommended elements of such a procedure are:

- a) Specify to whom the employee should lodge the grievance.
- b) Refer to time frames to allow the grievance to be dealt with expeditiously.
- c) Allow the person to refer the grievance to a more senior level within the organization if it is not resolved at the lowest level.
- d) If a grievance is not resolved, the employee has the right to lodge a dispute with the RDA-PIU.

All contractors engaged for the program will be required to produce their grievance procedure as a requirement for tender, which should comply with these minimum requirements. Additionally, good international practice recommends that the procedures be transparent, confidential, adhere to non-retribution practices, and include the right to representation. After contractors are engaged, they will be required to provide proof that each employee has been inducted and has signed that they have been inducted on the procedure.

10.3 Collective Grievances and Disputes resulting from the negotiations of Collective Agreements

Where a trade union is recognized, it is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace, and the employer is obliged to negotiate with it. The procedures followed in such instances are usually contained in the agreement, which states how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation, and the procedure to deal with issues that are not resolved through consensus. In these types 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 labor legislation.

10.4 Gender-based Violence, Sexual Exploitation, and Workplace Sexual Harassment

The project will follow the following procedures in handling GBV/SEA/SH related complaints.

Uptake of GBV/SEA/SH cases: All grievance lodging points outlined under Individual Grievance procedure above will be open for uptake of GBV/SEA/SH complaints. When a survivor comes forward to report a case of GBV/SEA/SH, the recipient will record the survivors' account of the incident. This is expected to be conducted in a private setting and ensure that all specific vulnerabilities are taken into consideration. To maintain confidentiality and minimize stigmatization, below is the list of elements that will be recorded on complaint forms:

- Age and sex of survivor;
- Type of alleged incident (as reported);
- Whether the alleged perpetrator relates to the project, as indicated by the survivor.
- Whether the survivor was referred to a service provider.

Where the complainant is not the survivor, the contractors GRM Focal Person will encourage the complainant to reach out to the survivor and explain the potential benefit of coming forward alone or with the person reporting the case. All GBV/SEA/SH cases will be reported to the World Bank within 48 hours through the RDA-PIU Social Safeguard Specialist and recorded in the grievance database.

Referral of GBV/SEA/SH Survivors: The contractors GRM Focal Person will examine the case and seek the consent of the survivor to refer the case to PIU and recommend that the survivor access external GBV service providers. In the case of children and persons with intellectual disability, this will be done with full consent of the survivor's guardian. Depending on the case reported, the support services may include one or more of the following services.

- Health – examination or treatment, collection of forensic evidence, provision of post-exposure prophylaxis/ abortion services;
- Legal/Justice – Legal advice/support to survivors and witnesses to understand benefits/barriers of taking care through legal process; support to ensure that prosecution and case closure happens with few or no delays;
- Psychosocial Support – Emotional support/crisis counseling; Social/community reintegration;
- Safety/Security – protection of survivors and witnesses, investigation of the case, arrest of alleged perpetrator.

These service providers will be:

- Required to use their respective GBV case management procedures to provide the essential services required by the survivor;
- Required to maintain confidentiality, safety, and security of survivors in accordance with best practices, in particular ensuring survivor centeredness through the processes and seeking the consent of the survivor when personal data must be shared.

Acknowledge and Follow-up: After registering the case, the contractors GRM focal point will inform the PIU within 24 hours of receipt and provide an acknowledgment to the complainant or survivor within 2 working days of receipt..

Fact Analysis: After receiving the case, the PIU will analyze the facts of the allegation by determining whether (i) the allegation falls within the definition of GBV/SEA/SH; and (ii) the alleged perpetrator is an individual associated with the project. If the PIU confirms these two elements, it shall proceed to handle the case or otherwise discontinue the case and write to inform the survivor or complainant. Only GBV/SEA/SH complaints allegedly committed by any individual associated with the project may be considered by the project after referring to GBV service providers.

If the survivor does not wish to pursue disciplinary action against the alleged perpetrator the case will be closed after providing referral assistance. The Safeguard Focal person shall record the survivor's preference and indicate that in the acknowledgement form as well.

Determine recourse action: The PIU will review all cases referred to it to determine and agree upon a course of action for handling and resolving the case. The appropriate institution that employs the perpetrator takes the agreed disciplinary action in accordance with the employer's code of conduct and national legislation. Disciplinary actions may include informal warning; formal warning; additional training, loss of salary, suspension, or termination of employment depending on the severity of the case. A survivor may continue to receive support from the appropriate GBV service providers while the case is being handled by the PIU.

Instances where the case is being handled by a service provider, the Service Provider will work with the survivor or guardian to develop a comprehensive plan that identifies what the survivor needs and how these needs may be met. The survivor will be referred to connect with a range of service providers which correspond to their needs. The PIU shall continue to track, monitor, and collaborate with service providers on all such cases until they are resolved.

Closing GBV/SEA/SH cases: Closing of GBV/SEA/SH cases will occur at these instances:

- If the survivor does not wish to place an official complaint with the perpetrator's employer;
- If after investigation, the PIU determines that the allegation does not fall within the definition of GBV/SEA/SH and the alleged perpetrator is not associated with the project;
- If when the case is pursued, and the PIU confirms that the disciplinary action taken is appropriate and has been implemented conclusively;
- If a Service Provider follows its internal procedure to meet the needs of the survivor on the case.

11 CONTRACTOR MANAGEMENT

Contractors shall be selected according to the criteria set in the bidding documents. Bid documents shall be prepared by the Road Development Agency in liaison with the World Bank and shall include Occupational Health and Safety requirements based on the ESCP and ESMF requirements. The selection process for contractors, shall be guided by the tender evaluation criteria that shall include contractor's eligibility and value of works. The Contractors shall be selected from a pool of Contractors registered by the National Council of Construction (NCC) and affiliated to the Association of Building and Civil Engineering Contractors (ABCEC). Labor conditions agreed by the affiliates of the ABCEC shall apply.

The PIU shall supervise contractor works to determine adherence to standards, specifications and compliance to rules and regulations. Remuneration for workers shall be guided by the local labour laws and terms and conditions will be made known to workers before commencement of work. Performance of contractors shall be evaluated during project inspections by the PIU. The contractor will be required to also include records of workers, number of workers, Code of Conduct, and trainings as well trainings held and training dates.

Sub-contractors will have to adhere to all the labour guidelines under the Project. The Road Development Agency will pay key attention to the performance of contractors. The monitoring of the implementation of the works will be conducted by staff under the PIU, district local authorities and the RDA Regional Offices.

Contractors who in principle will be specialists, shall be engaged centrally by the Road Development Agency to undertake specialist works. Supervision will be at three levels including national, regional and district levels.

RDA will ensure that the contractor execute the management of the contract in a manner that is acceptable to GRZ, the national legal requirements and is in accordance to the World Bank rules and regulations as it relates to ESS2, specifically relating to the selection process for contractors, management of labor issues, including health and safety, procedures for managing and monitoring of performance for contractors, as well as reporting on workers under the project.

Employment through contracts calls for sound contractor management which shall be realized through proper agreement signing; agreement on key performance indicators and ensuring that worker related aspects of the project are embedded in contracts. Effort shall be made to ensure that all sub-project contractors as per National requirements and guidance in ESS2, provide workers with evidence of all payments made, including social security benefits, pension contributions as applicable or other entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time or temporary contract.

The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to RDA and the World Bank:

- a)** Labor conditions: records of workers engaged under the project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements;
- b)** Safety: recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth);
- c)** Workers personal records: number of workers, indication of origin (expatriate, local, non-local nationals), gender, age with evidence that no child labor is involved, and skill level (unskilled, skilled, supervisory, professional, management);
- d)** Workers Payroll Records: documentation of the number of hours worked and pay received inclusive of all payments made on their behalf, for example payment made to the National Insurance Scheme and other entitlements regardless of the workers being engaged on a short- or long-term assignment or fulltime or part time worker;
- e)** Training/induction: dates, number of trainees, and topics.
- f)** Details of any security risks: details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project;
- g)** Worker grievances: details including occurrence date, type of grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken-Grievances listed should include those resolved since the preceding report and those that were unresolved at the time of that report.

The Supervision Consultant for sub-projects will manage and monitor the performance of Contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties). This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors.

In addition, respective MDAs will require that all contractors engaged on the project operate in a manner consistent with the requirements of the ESSs, including the specific requirements set out in the ESCP. To ensure that contractors engaged are managed in an effective manner, the following measures will be considered:

- a) Assessing the environmental and social risks and impacts associated with such contracts;
- b) Ascertaining that contractors engaged in connection with the project are legitimate and reliable enterprises, and have knowledge and skills to perform their project tasks in accordance with their contractual commitments;
- c) Incorporating all relevant aspects of the ESCP into tender documents;
- d) Contractually requiring contractors to apply the relevant aspects of the ESCP and the relevant management tools, and including appropriate and effective non-compliance remedies;
- e) Monitoring contractor compliance with their contractual commitments; and
- f) In the case of subcontracting, requiring contractors to have equivalent arrangements with their subcontractors

The Conditions of Contract for each Contractor shall include the right to terminate the Contract once the Contractor fail, within the reasonable time given, to comply with any Notice to correct related inter alia to compliance with the National Labor Laws, OHS Laws and Regulations and this LMP.

12 PRIMARY SUPPLY WORKERS

The implementation of the TRACER project will engage primary supply workers in activities involving construction/rehabilitation materials (roads, bridges,), professional expertise (interpretative signage, and office/management infrastructure), IT, communication equipment to mention a few. The Project will ensure adherence to ESS2 and ESS4 requirements and national labor law through formal labor contracts. The PIU will follow the Public Procurement Act, 2020 in terms of procurement of materials. The Road Development Agency will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers. Additionally, where there is a significant risk of serious safety issues related to primary supply workers, RDA will require the relevant primary supplier to introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will

be reviewed periodically to ascertain their effectiveness. The ability of RDA to address these risks will depend upon the level of control or influence over its primary suppliers. Where remedy is not possible, RDA will, within a reasonable period, shift the project's primary suppliers to those that can demonstrate ability to meet relevant requirements of this LMP.

Third parties, i.e., Contractors will be required to ensure their Suppliers comply with the National law and the requirements of ESS1, ESS2 (in the area of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers); and to ensure that Employees of any Suppliers or subcontractors are adequately trained on the requirements covered in the law. This will be ensured by having the Primary suppliers sign a statement of compliance confirm that they adhere to the national requirements and ESS2 regarding labor and working conditions and these LMP as applicable.

The selection process of primary Suppliers will ensure that they are reputable companies with evidenced positive track record in social performance including zero tolerance for child and forced labor. They will further need to be able to prove and provide evidence of the procedures in place to assess and manage OHS related risks. The PIU reserves the rights to verify compliance with the requirements set by a combination of mechanisms including but not limited to self-assessments, surveys, site-visits or audits. Relevant Records must therefore be maintained relevant records to demonstrate compliance and if necessary, allow access to their own and their Suppliers' and subcontractors' premises for authorized representatives of the PIU and/or the supervision consultant. Selection of primary suppliers. When sourcing for primary suppliers, the project will require such suppliers to identify the risk of child labor and forced labor as well as OHS risks. The RDA will review and approve the purchase of primary supplies from the suppliers following such risk identification assessment. Where appropriate, the project will be required to include specific requirements on child labor, forced labor and work safety issues in all purchase orders and contracts with primary suppliers. The PIU will, as part of its monitoring, include indicators for assessing the functions of primary supply workers.

In case the Primary Supplier fails to demonstrate conformance and compliance to the national law and this LMP in the area of child and forced labor and serious safety risks, the PIU will submit through the Contractor a Notice -to-correct the non-compliance with immediate effect. Should the Primary Supplier fail to comply within the time specified in the Notice or should the PIU assess that such remedy is not possible, the project's primary suppliers shall be shifted to those that can demonstrate compliant labor management and performance. Once the Project advances the provisions of the LMP covering management of labor and working condition risk of Primary Suppliers shall be expanded and updated and based on the findings of the assessment detailed procedures established and included in the revised document.

The PIU will also have the responsibility of investigating any credible allegations of violations before the contract is terminated. Contractor's attention to this will be in writing

stating intention to terminate the contract unless the neglect is corrected in a reasonable time demanded by the Client.

ANNEX 1: EMPLOYEE CONTRACT

Employment Contract

This contract, dated on the ____ day of _____ in the year 20____, is made between [company name] and [employee name] of [city, state]. This document constitutes an employment agreement between these two parties and is governed by the laws of [state or district].

WHEREAS the Employer desires to retain the services of the Employee, and the Employee desires to render such services, these terms and conditions are set forth.

IN CONSIDERATION of this mutual understanding, the parties agree to the following terms and conditions:

1. Employment

The Employee agrees that he or she will faithfully and to the best of their ability to carry out the duties and responsibilities communicated to them by the Employer. The Employee shall comply with all company policies, rules and procedures at all times.

2. Position

As a [job title], it is the duty of the Employee to perform all essential job functions and duties. From time to time, the Employer may also add other duties within the reasonable scope of the Employee's work.

3. Compensation

As compensation for the services provided, the Employee shall be paid a wage of \$/ZMW_____ [per hour/per annum] and will be subject to a(n) [quarterly/annual] performance review. All payments shall be subject to mandatory employment deductions (State & Federal Taxes, Social Security, Medicare).

4. Benefits

The Employee has the right to participate in any benefits plans offered by the Employer. The employer currently offers [list benefits, if any]. Access to these benefits will only be possible after the probationary period has passed.

5. Probationary Period

It is understood that the first [time frame] of employment constitutes a probationary period. During this time, the Employee is not eligible for paid time off or other benefits. During this time, the Employer also exercises the right to terminate employment at any time without advanced notice. Check the term and conditions

6. Paid Time Off

Following the probationary period, the Employee shall be eligible for the following paid time off: • [length of time for vacation] • [length of time for sick/personal days] • Bereavement leave may be granted if necessary.

The employer reserves the right to modify any paid time off policies.

7. Termination

It is the intention of both parties to form a long and mutually profitable relationship. However, this relationship may be terminated by either party at any time provided [length of time] written notice is delivered to the other party.

The Employee agrees to return any Employer property upon termination.

8. Non-Competition and Confidentiality

As an Employee, you will have access to confidential information that is the property of the Employer. You are not permitted to disclose this information outside of the Company.

During your time of Employment with the Employer, you may not engage in any work for another Employer that is related to or in competition with the Company. You will fully disclose to your Employer any other Employment relationships that you have and you will be permitted to seek other employment provided that (a.) it does not detract from your ability to fulfill your duties, and (b.) you are not assisting another organization in competing with the employer.

It is further acknowledged that upon termination of your employment, you will not solicit business from any of the Employer's clients for a period of at least [time frame].

9. Entirety

This contract represents the entire agreement between the two parties and supersedes any previous written or oral agreement. This agreement may be modified at any time, provided the written consent of both the Employer and the Employee.

10. Legal Authorization

The Employee agree that he or she is fully authorized to work in [community name] and can provide proof of this with legal documentation. This documentation will be obtained by the Employer for legal records.

11. Severability

The parties agree that if any portion of this contract is found to be void or unenforceable, it shall be struck from the record and the remaining provisions will retain their full force and effect.

12. Jurisdiction

This contract shall be governed, interpreted, and construed in accordance with the laws of [state, province or territory].

In witness and agreement whereof, the Employer has executed this contract with due process through the authorization of official company agents and with the consent of the Employee, given here in writing.

Employee Signature

Date

Company Official Signature

Date

ANNEX 2: CODE OF CONDUCT

This Code of Conduct that will be used in the Project. If an international bidding process is being used with World Bank Standard Procurement Documents, a Code of Conduct is already included there and should be used as is. If a national bidding process is being used to procure contractors, a basic Code of Conduct should be included in the LMP and the bidding documents. This Code of Conduct is to be signed by all contractor staff, including managers, working on the project.

I agree that while working on the project I will:

- Treat women, children (persons under the age of 18), and men with respect regardless of ethnicity, language, religion, political or other opinion, national, social origin, citizenship status, property, disability, birth or other status.
- Do not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Do not participate in sexual activity with community members.
- Do not engage in sexual favors or other forms of humiliating, degrading or exploitative behavior.
- Do not engage in any activity that will constitute payment for sex with members of the communities surrounding the workplace.
- Report through the Worker GM suspected or actual gender-based violence against a person of any gender by a fellow worker or any breaches of this Code of Conduct.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass women, children or a vulnerable person through these mediums.
- Comply with all relevant local legislation.
- Engaging in any of the prohibited activities above can be cause for termination of employment, criminal liability, and/or other sanctions.

Sanctions

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

- i Informal warning;
- ii Formal warning;
- iii Additional Training;
- iv Loss of up to one week's salary;
- v Suspension of employment (without payment of salary), for a minimum period of 1 month
- vi up to a maximum of 6 months;
- vii Termination of employment;

viii Report to the Police if warranted.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

ANNEX 3: SAMPLE COMPLAINT FORM

Zambia Transport Corridors for Economic Resilience (TRACER) Project GRIEVANCE/COMPLAINT FORM
Section 1: Complaint
1. What harm do you believe the Zambia Transport Corridors for Economic Resilience (TRACER) Project caused or is likely to cause to you or your community? Please describe in as much detail as possible.
2. What location is concerned with your submission? (Please include Province/District name)
3. Do you live in the project area?
4. Have you previously reported your concerns to Zambia Transport Corridors for Economic Resilience (TRACER) Project PIU ? If yes, please provide the details about those communications and explain why you are not satisfied with the action in response.
5. If known, please list the operational procedures you believe have been violated by the Zambia Transport Corridors for Economic Resilience (TRACER) Project .
6. Do you expect any form of retaliation or threats for filing this complaint to the Zambia Transport Corridors for Economic Resilience (TRACER) Project ?
Section 2: contact information
7. Are you filing an individual submission or representing a community? Individual: <input type="checkbox"/> Representing a community: <input type="checkbox"/>
8. Would you like your name and contact details to be kept confidential? (Zambia Transport Corridors for Economic Resilience (TRACER) Project) <i>will not disclose your identities to anyone without your prior consent.</i>) Yes <input type="checkbox"/> No <input type="checkbox"/>
9. Submitter's Name & contact information: Name: Address: Email: Phone:
Preferred Method of Contact:
10. I, the undersigned, request the Zambia Transport Corridors for Economic Resilience (TRACER) Project to investigate the issues described above.
11. Signature/Thumbprint

Name:

Date

NOTES:

- Please attach supporting documents, if available.

Section 3: Official Use Only

Grievance ID Number

Recorded by:

Date:

Place/Method grievance was received:

ANNEX 4: WORKERS AND EMPLOYER'S RESPONSIBILITIES

Table 1. Employers and workers OHS Responsibilities

RESPONSIBLE ENTITY	RESPONSIBILITIES	KEY ACTIVITIES	MEASURES OF ACCOUNTABILITY
Project Manager or equivalent	Setting of business level OHS objectives and targets	Develop and monitor implementation of business level OHS objectives and targets	Business level performance reports
Resident Engineer or equivalent	Coordinate all activities including those of contractors to ensure compliance to HSMP	Implementing business level OHS objectives and targets	Site level HSMP performance reports
Human Resource/Admin Manager or equivalent	Ensure human resource has the competences to enhance OHS	Identify required OHS competences by conducting training needs assessment	HR reports reflecting improved OHS competences among staff
Procurement Manager or equivalent	Ensure goods and services procured meet HSMP provisions	Liaise with H&S Manager and end users to determine OHS specs of required goods and services	Procurement plans bearing OHS specs relating to goods and services
Health and Safety Manager or equivalent	<ul style="list-style-type: none"> • Ensure compliance with regulations and HSMP provisions • Monitor HSMP performance 	<ul style="list-style-type: none"> • Carry out OHS inspections, trainings. • Communicate OHS information 	Risk assessment, inspection, training and induction reports
Workers	<ul style="list-style-type: none"> • Comply with all OHS measures on site • Report any near misses or incidents and accidents • Report any unsafe working practices 	<ul style="list-style-type: none"> • Worker OHS compliance 	-Employee working practices

ANNEX 5: REPORTING OF WORK-RELATED ACCIDENTS AND INCIDENTS

Reporting of Incidents and Accidents: The Contractors and Supervision Consultants will report all the environmental and social incidences to the RDA regularly for submission to World Bank in accordance with the World Bank Environmental and Social Incident Reporting Tool Kit (ESIRT). RDA shall within 48 hours of occurrence promptly notify WB and applicable responsible government entity (ies) such as Zambia Environment Management Agency, Ministry of Labour and Social Security of Serious/ Severe Environmental (based on the categorization provided below, Social, Health and Safety (ESHS) incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers *including* child abuse, gender-based violence, Sexual Exploitation and Abuse, fatality, hazardous spills, etc. Indicative and minor incidences will be reported to the World Bank through incidental, monthly and quarterly reports – showing number of both the cumulative and the reporting period incidents. The reports shall 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. Within fifteen days after the incident/accident, in consultation with WB, RDA in close collaboration with the Supervision Consultants and Contractors shall undertake a Root-cause analysis and develop a Safeguards Corrective Action Plan to be shared with WB, and this will include measures to prevent its reoccurrence, including actions, responsibilities and timelines for implementation, and monitoring program. The RCA shall be based on existing country processes. Such incidence reporting (major and minor) will be included in the ESCP.

The following incidents/ accidents classification shall be used, based on the nature and scale of incident, including urgency for response, and situation context:

Indicative incidents: These are minor and small-scale incidents or limited non-compliance issues, which should be escalated in 6 months and considered serious. Examples include inadequate livelihood replacement, local loss of habitat, poor OHS execution, repeated minor contamination and spills.

Serious Incidents/ Accidents: These are incidents/ accidents which lead to significant harm to the environment, natural resources, cultural resources, workers, communities, complex and costly to reverse and has potential to cause reputational risk to both Government and the World Bank. Examples include: repeated non-compliance, work place injuries requiring offsite medical attention, ill treatment of vulnerable groups, inadequate consultations, lack of OHS plan, forced resettlement, large chemical spill, impact to World heritage site, and loss of critical habitat.

Severe incidents/ accidents: These are incidents/ accidents which are associated with repeated non-compliance of sufficient seriousness, complex and expensive to remedy,

and likely irreversible posing corporate risk. Examples include: work place fatalities, wide scale of irreversible environmental damage, large scale deforestation, trafficking in endangered species, major contamination, chronic gender based violence, forced or child labor, human rights abuses of community members by security forces or other project workers, violent community protests against the project.

Initial Communication within 24 hrs of incident should contain the following information:

- What was the incident? What happened? To what or to whom?
- Where and when did the incident occur?
- What is the information source? How did you find out about it?
- Are the basic facts of the event clear and uncontested, or are there conflicting versions?
- What were the conditions or circumstances under which the incident occurred?
- Is the event still ongoing or is it contained?
- Is loss of life or severe harm involved?
- What measures have been or are being implemented? By who?
- Has the Government been informed? What is their response (if any yet)?

The following best practices that will be adhered to in accident/incident reporting;

Awareness of the Contractor's processes and policies

All employees will be made aware of the Contractors process and policies regarding the reporting of accidents. These policies and process will include the World Bank and Zambian laws requirements. A safety training program for all employees will be implemented and employees will be provided access to workplace policies, procedures and other supporting documents.

Take care of the affected person first

Before the accident reporting process begins, the person affected by the accident will first be attended to which may include emergency medical care at a nearby medical facility.

Collect important data immediately

After an accident is reported or witnessed, important data and information will need to be collected as soon as possible.

Record observations about injuries sustained from the accident

The person reporting the accident/incident should record whether the affected person sustained any injuries from the accident. Include the severity of the injuries and what they look like if they are visible.

Collect eyewitness accounts

If the accident occurred in front of other people, eye witness accounts should be written down after conducting interviews with the witnesses.

Preserve the incident site

The scene of the accident/incident should be preserved to allow for where necessary the Police to conduct their independent assessment.

Reporting of accidents

The Contractor(s) will be expected to report road accidents and accidents that result in serious injury to an employee or third parties to the Police and the nearby Labour Office. Where necessary the insurance firms will need to be notified without delays.

Investigate the cause of the accident

The data collected will then be utilized in conducting a Root Cause Analysis (RCA) of the accident/incident by using the "why", "what" and "how" questions related to the accident. Videos or photographs where possible should be taken to capture the environmental conditions and damage to the area or equipment.