

LABOUR MANAGEMENT PROCEDURES

FOR

**RESILIENCE, ENTREPRENEURSHIP AND LIVELIHOOD IMPROVEMENT (RELI)
PROJECT**

December 2020



SOCIAL DEVELOPMENT FOUNDATION (SDF)

An autonomous organization under the Financial Institutions Division, Ministry of Finance



**Social Development Foundation (SDF)
Financial Institutions Division, Ministry of Finance**

TABLE OF CONTENT

Executive Summary	Pg.
	3
Introduction	6
1. OVERVIEW OF LABOUR USE ON THE PROJECT	8
2. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS	10
3. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS	10
4. BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY	13
5. RESPONSIBLE STAFF	16
6. POLICIES AND PROCEDURES	17
7. AGE OF EMPLOYMENT	21
8. TERMS	AND
21	CONDITIONS
9. GRIEVANCE	REDRESSAL
22	MECHANISM
10. CONTRACTOR	MANAGEMENT
24	
11. COMMUNITY	WORKERS
25	
12. PRIMARY	SUPPLY
26	WORKERS
Annex 1	27
WRITTEN PARTICULARS OF EMPLOYMENT	
Annex 2	28
Suggested Due Diligence for Social & Environmental Mitigation Measures in Contracts	
Annex 3	30
Code of Conduct	

Executive Summary

The Labor Management Procedures (LMP) is developed to manage risks under the Resilience, Entrepreneurship and Livelihood Improvement Project (RELI-P) implemented by the Social Development Foundation (SDF), and funded by the World Bank. The LMP sets out the Project's approach to meeting national requirements as well as the objectives of the World Bank's Environmental and Social Framework, specific objectives of Environmental and Social Standard 2: Labor and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4). The LMP has taken into cognizance SDF's existing Human Resource Policy and Manual (HRPM) while developing the LMP. The LMP extended the scope based on the HRPM upgrading the standards followed by the SDF.

The document is divided into 12 sections. They are:

1. Overview of labor use on the project
2. Assessment of key potential labor risks
3. Brief overview of labor legislation: Terms and conditions
4. Brief overview of labor legislation: Occupational health and safety
5. Responsible staff
6. Policies and procedures
7. Age of employment
8. Terms and conditions
9. Grievance redressal mechanism
10. Contractor management
11. Community workers
12. Primary supply workers

The LMP is prepared by SDF to manage and mitigate the risks associated with labor and workers for the RELI-P. It spelt out the relevant procedures to adopt and follow by SDF for the implementation of the project. Its focus is on the engagement of laborers in all respective components. It identifies the types of workers who will be engaged in the project with tenures of respective groups to be recruited and involved. Of whom Direct, contracted (and sub-contracted, if and as appropriate), and Primary Supply Workers are the major types. It is to be noted that RELI-P will maintain the institutional structure of the NJLIP.

One of the salient features of RELI-P is the engagement of community workers. RELI-P will employ community workers for the various small-scale constructions of the Gram Parishad and/ or Samity, such as repairing and refurbishment of rural trails and roads, the office building of the Gram Samity, drinking water systems, etc. As/ when any community workers are involved in the project through the Samity – the LMP will be guiding the project to follow the same terms and conditions and work as of other workers. Per the LMP the Project will take necessary measures to check that that community labor is provided voluntarily at all level. The key highlight of this document is to categorically identify, assess, and prescribe on how to address the issues of Child and Forced Labor, Gender-based Violence, Occupational Health and Safety, and other relevant issues.

The LMP would guide the project, in general, and will discourage the recruitment of children and practices of forced labor. It will primarily follow the national legislations. Furthermore, it

will arrange for awareness-raising activities added with periodic monitoring to ensure that the standards set in this procedure are followed. The main labor risks associated with the project are assessed to be related to the potentially hazardous work environment, and the associated risk of accidents. Based on current conditions it is assessed that the risk of a child or forced labor is negligible, and already managed through national legislation and as well as SDF's organizational policy.

Necessary measures are proposed in the LMP and the monitoring mechanism embedded in the project will make sure that those are translated into regular practice. Responsible parties' actions will be periodically reported for the record. The procedure specifically suggested the project's position in case of gender-based violence and trafficking. It pinpoints the high chance of women (and their children) being subject to gender-based violence and trafficking with the project. Hence, necessary mechanisms are in place with regular monitoring and reporting.

In this LMP, the standards for labor and working conditions are defined in the Labor Act 2006 and Bangladesh Labor Rules 2015 and Occupational Health and Safety Policy 2013. The Bangladesh Labor Act 2006 is comprehensive legislation. The LMP identified the commonalities and gaps between the World Bank's ESF standards and present legislation of Bangladesh. Good practices are adopted, while issues/ areas of further improvement are proposed, to be followed during the implementation of the project. For example, the Employees Union, Safe Work Environment et al will be practiced in this project.

The LMP with due importance incorporated the issue of Occupation Health and Safety ensuring appropriate implementation of the ESS4. The issues related to the safety of project communities who are exposed to the project activities and other pertains to the exposure and/or increased risks of diseases during construction and operation. There are two components of OHS. One is the physical safety of project communities who are exposed to the project activities during construction and operation, including risks of accidents and risks of violence due to increase in crimes and cultural conflict between locals and migrant population. The other pertains to the exposure and/or increased risks of diseases by the community due to influx of people during construction and operation and due to the changes in the project area, including pollution and ecological change.

RELI-SDF's management will be entrusted with the Managing Director (MD) who has the overall responsibility to oversee all aspects of the implementation of the LMP, in particular, to ensure contractor compliance. SDF will address all LMP aspects as part of procurement for works as well as during contractor induction. The contractor is subsequently responsible for management following contract specific Labor Management Plans, implementation of which will be supervised by RELI-SDF's monthly or at shorter intervals as defined by specific plans. To translate the procedure into real actions the project will recruit required skill-hands with relevant experience and knowledge. The areas that these experts will cover are OHS, Labor and Working Conditions, Worker Grievance, Training, and raising the level of awareness of people engaged with the project direct and indirect.

Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project

workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination concerning any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, and promotion, termination of employment or retirement, or disciplinary practices.

The Gram Samity (ies) will - maintain labor relations with local communities through a code of conduct (CoC). The CoC commits all persons engaged by the Samity, including subcontractors and suppliers based at the community, to acceptable standards of behavior. The CoC shall include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment.

The project will take necessary measures to address issues related to the COVID-19 by using a systematic approach that emphasizes on the collaboration of laborers and the management through active engagement. The best way to control COVID-19 is to systematically prevent it from entering the workplace in the first place. In sites/areas where it may not be possible to eliminate the COVID-19 outbreak due to the high density of workers in a small place, the most effective protection measure will be to use the “hierarchy of controls” to select ways of controlling workplace hazards.

In ensuring full compliance with the law in this regard, contractors or the Gram Samity as applicable will be required to furnish SDF with copies of the Written Particulars of Employment or copies of the contract of all its workforce. Contractors will not be allowed to deploy any employee to work in the project if such copy of employment of that employee has not been handed to SDF. The RELI-SDF shall provide employees with the right to join and form an organization for purpose of labor representation to negotiate favorable terms and conditions for their members amongst other rights.

Introduction of a standard Grievance Redressal Mechanism has made the LMP unique and created a milestone in this regard for the Department. This will be an example for the Department to be followed in all of its ongoing and upcoming projects/ projects. The mechanism included Disciplinary Procedure, Individual Grievance Procedure, Collective Grievance Procedure, Gender-based Violence, and Workplace Sexual (and other) Harassments. The section on Contractor Agreement introduced a high-level of standards to ensure that the ESS2 and ESS4 in place and operation truly.

RELI-SDF requires that Gram Samity (ies) monitor, keep records and report on terms and conditions related to labor management. The Samity must provide workers with evidence of all payments made, including social security benefits, pension contributions or other entitlements regardless of the worker being engaged on a fixed-term contract, full-time, part-time or temporarily.

As an integral part of the document, a format on the ‘written particulars of employment’, analytical suggestions on ‘Due diligence for Social and Environmental Mitigation Measures in Contracts’ and a detailed ‘Code of Conduct’ is incorporated as Annex.

Introduction

The SDF's Environmental and Social Management Framework identified key risks and impact associated with Project implementation, labor management and as well as community health and safety. The Resilience, Entrepreneurship and Livelihood Improvement (RELI) Project, to be implemented by Social Development Foundation (SDF) is rated 'moderate' by World Bank on environmental and social (E&S) risk which indicates a moderate likelihood of adverse impacts associated with Project implementation.

The present Labor Management Procedures (LMP), is prepared SDF to manage and mitigate the risks associated with labor and workers for the RELI Project (RELI-P). It lays down the relevant procedures to adopt and follow by SDF for the implementation of the project.

The focus of the LMP is on workers engaged by RELI-SDF in respective components. Adhering to these procedures, Project contractors (in the case of RELI-P, the respective Gram Samity[ies]/ Village Society¹) will be required to prepare a Labor Management Plan for larger works. For smaller contracts, RELI-SDF may prepare specific procedures to be inserted in the contract as part of contractors' legal obligations. The approach will be assessed as part of the initial screening of environmental and social risk and impact carried out by RELI-SDF's Project Management.

Project Description

Nutun Jibon Livelihood Improvement Project (NJLIP) is a flagship project of Social Development Foundation (SDF) an autonomous "not-for-profit" Trust under the Ministry of Finance being implemented with support from the World Bank (WB) started its journey in 2016. Its aim to support poor and ultra-poor in 2,500 villages in 12 districts of Bangladesh through community financing for livelihood improvement, community infrastructure, and skills development training for the un/underemployed youths. This project has been successful in reaching out to the poor and extreme-poor and has demonstrated strong impacts on livelihood improvements and empowerment of the target group. Considering the successful implementation of the on-going project, the World Bank extended its support to the SDF with the preparation and design of an investment operation that builds on the lessons learned and results achieved under NJLIP. In this regards, Resilience, Entrepreneurship and Livelihood Improvement (RELI) Project (2021-26) has been scaled up to 20 districts covering eight administrative divisions throughout the country².

Objectives of the RELI project

The overarching aim of the project is to improve the livelihoods of the poor and extreme poor, enhance their resilience and support rural entrepreneurship in project areas by reaching over 750,000 direct beneficiaries, of which 90% will be women. Among all 20 targeted districts, the

¹ Village-level Community Institutions

²Concept Note (2020). Resilience, Entrepreneurship and Livelihood Improvement Project (P175820)

RELI project will carry over its livelihood support in the villages of 12 districts in which SIPP-II and NJLIP have operated but could not reach their support. In summary, the project would cover 3200 villages from 12 districts of the previous phase named NJLIP, and 8 new districts added as the new addition of the project for implementation throughout the country. The new RELI project would also provide one-time additional support to NJLIP beneficiaries who may have fallen back into poverty because of the pandemic in the form of a cash transfer.

The project will adopt the success of the NJLIP project in reaching the poor and poorest, and will tailor livelihood opportunities to respond to the following urgent needs: (i) Respond to the impact of the crises on the livelihood of vulnerable rural households and support recovery and resilience-building; (ii) Help rural households graduate out of poverty through income-generating activities (IGA); (iii) Support NJLIP’s current beneficiaries who had graduated from poverty pre-crisis but have fallen back into poverty because of the crisis; and (iv) Support rural entrepreneurship for sustained post-COVID-19-crisis economic recovery³.

1.1.2 Components of the RELI project

The project is built around the following four core components:

- i. Component A: Community Institutions and Livelihood Development
- ii. Component B: Business Development and Institutional Strengthening
- iii. Component C: Project Management, Monitoring and Learning
- iv. Component D: Contingent Emergency Response Component (CERC)

Component A focuses on three objectives include mobilizing poor and extreme poor households through formation and strengthening of community institutions; provide technical and financial support to livelihood, infrastructure development and health; and strengthen awareness on socio-cultural norms constraining women, marginalized groups and address climate risks and resilience in the process. The objectives will be achieved by forming village clusters, implementing web-based loan management system (LMS), a geo-enabling initiative for monitoring and supervision (GEMS) and service delivery daily. The component will also provide one-time cash transfer, implement livelihood and income-generating activities (IGA), and support community infrastructure to create climate-resilient productively and provide short-term employment opportunities to those immediately affected by Covid-19. The project outcomes will lead to the empowerment of community leaders and beneficiaries with knowledge and technologies to implement subcomponent activities and adopt new practices to achieve economic development and health benefits. For example, the fund schemes will allow income-generating activities, overcome food security challenges, adoption of climate-smart practices and mitigation measures, access to WASH and better communication. Moreover, it is expected to generate healthy and productive lives by prevention of the spread of vector-borne diseases, awareness of gender-based violence; promotion of productive diversification on-farm towards vegetables, horticulture and nutrient-dense commodities, and raise awareness about nutritious diets among beneficiaries. The components will also establish linkages among community, government and non-government health service providers.

³Project Appraisal Document (PAD) (2020). Resilience, Entrepreneurship and Livelihood Improvement Project (P175820)

Component B aims to establish Cluster and District Community Societies to ensure village institutions' sustainability, help build producer organizations as commercially oriented entities, support rural entrepreneurship, and ensure skill development training and sustainable employment support for the un/underemployed youths. The main activities of the component will include the development and strengthening of second-tier institutions. This will be executed by a formation of cluster and district level community societies (RCCS and RDCS) and training the committees; construction of RDCS and RCCS office buildings, and support the village institutions through regular monitoring and technical assistance by RCCS. The component also includes commercial agriculture and rural entrepreneurship activities, where the formation of and technical assistance to registered PGs, market linkages and partnership building, product promotion and communication, and CARE Fund will play vital roles. Finally, employment generation support will address youths, migrants and immigrant returnees to develop skills through training and counseling, followed by networking to work industries and providing financial support to entrepreneurs. The component also supports and extends component A's outcomes through the development and strengthening of second-tier institutions. It will support the networking and aggregation of village-level community institutions created under Component A. Moreover, financial and technical support to producer groups and rural entrepreneurs will contribute to sustained post-COVID-19-crisis economic recovery. In contrast, employment generation support will entail skills development and training for the un/underemployed youths and returning migrants that help generate long-term employment opportunities and further support livelihoods and economic recovery.

Component C focuses on the COVID-19 crisis project areas of management, monitoring and learning. Moreover, recent severe natural disasters can rethink about the capacity building of the implementing agency SDF on vulnerability, opportunities and sustainable energy-related to climate change. Following significant lessons are accommodated in response to COVID-19 such as 1. decentralization of responsibilities; 2. adopting a booklet consist of public health guidelines of the World Health Organisation (WHO) and Bangladesh government. 3. Inclusion of local government for the project considering effectiveness and sustainability.

Finally, under component D which is about Contingent Emergency Response Component (CERC) which is entitled to response all kind of disaster and crisis caused by economic or social impact. The Government may request the World bank to work with funds concerning CERC through proper justification. If the world bank groups agree, all the necessary measures will be taken for responding to emergency issues and work plan accordingly. Overall, an apt emergency manual will be prepared for CERC.

1. OVERVIEW OF LABOUR USE ON THE PROJECT

The project will keep the institutional structure of NJLIP, with an SDF National Office, Regional Offices, District Offices, and Cluster/ Field Offices, as well as a Project Advisory Committee with appropriate representation of key ministries and agencies.

The LMP applies into all Project workers whether full-time, part-time, temporary, and community workers. The LMP is applicable, as per ESS 2 to the Project in the following manner:

- i. People employed or engaged directly by SDF for RELI-P including government officials/officers (from SDF or other agencies), deputed to work specifically concerning the Project;
- ii. People employed or engaged by contractors to perform work related to the core function of the project, regardless of location;
- iii. People employed or engaged by RELI-SDF’s primary suppliers.

1.1 - Labor Requirements

1.1.1. Direct Workers⁴: Direct workers SDF staff engaged in the implementation of RELI-P. This may also include consultants, both short and long term, recruited for RELI-P by SDF. Direct workers are eligible to work for a fixed contract period, typically renewed after every third year by SDF based on satisfactory services. Consultants will be engaged under a short term period of not more than six months and the labor requirement including the schedule and deliverables are stipulated in their respective contracts.

1.1.2. Contracted Workers⁵: Based on the requirements, SDF directly or through the Gram Samity (ies) may engage contractors, who in turn, will employ contracted workers based on their level of skills and project needs. In agreement with SDF, sub-contracts of the work could be given by the contractors. Sub-contractors thus engaged may supply laborers as per the agreed terms and conditions. Contracted workers are eligible to work for a contract period fixed by the contractor. Their contracts will be renewed, if required, based on satisfactory services.

1.1.3. Primary Supply Workers⁶: Based on the requirement of RELI-P, primary supply workers will be recruited by the suppliers as required. It will be ensured (and monitored periodically by SDF) that primary supply workers include no child and forced labor. SDF will be responsible to make sure that these standards are followed strictly. If any deviation is identified SDF will take action as prescribed in the contract/ agreement following the LMP.

1.1.4. Community Workers: RELI-P will employ community workers for the various small scale constructions of the Gram Samity, such as repairing and refurbishment of rural trails and roads, the office building of the Gram Samity, drinking water systems, etc. It will be ensured (and monitored periodically by SDF) that no children are recruited and engaged as a community worker. SDF will be responsible to make sure that standards set by the LMP are followed strictly. Further details on community workers are given in section 11 of this LMPs.

⁴ A “direct worker” is a worker with whom the Program/ Project has a directly contracted employment relationship and specific control over the work, working conditions, and treatment of the project worker. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project.

⁵ A “contracted worker” is a worker employed or engaged by a third party to perform work or provide services related to the core functions of the project, where the third-party exercises control over the work, working conditions, and treatment of the project worker.

⁶ A “primary supply worker” is a worker employed or engaged by a primary supplier, providing goods and materials to the project, over whom a primary supplier exercises control for the work, working conditions, and treatment of the person.

2. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

The main labor risks associated with the project are assessed to be related to the potentially hazardous work environment, and the associated risk of accidents. Based on current conditions it is assessed that the risk of a child or forced labor is negligible, and already managed through national legislation and as well as SDF's organizational policy.

2.1 Child and Forced Labor: The risk of child labor will be mitigated through certification of laborers' age. This will be done by using the legally recognized documents such as the National Identification Card, and Birth Certificate. Further, awareness-raising sessions will be conducted regularly to the communities to sensitize on prohibition and negative impacts of child and forced Labor.

2.2 Sexual Exploitation and Abuse (SEA)/ Sexual Harassment (SH)/ Gender-based violence (GBV): Workers are predominantly younger males and females, in some cases. Those who are away from home on the construction job are typically separated from their family and act outside their normal sphere of social control. This can lead to inappropriate and criminal behavior, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community.

2.3 Occupational health and safety. SDF has existing corporate requirements for contractor training and safety, records of which are inspected monthly and audited bi-annually.

3. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

Standards for labor and Working Conditions are defined in the Labor Act 2006 and Bangladesh Labor Rules 2015 and Occupational Health and Safety Policy 2013. The Bangladesh Labor Act 2006 is comprehensive legislation. The Act addresses three areas: (i) Conditions of service and employment including wages and payment, establishment of Wages Boards, employment of young people, maternity benefits, working hours and leave; (ii) health, safety, hygiene, and welfare, and injury compensation; and, (iii) trade unions and industrial relations.

Table 1. Main gaps of government system concerning the WB ESF Standards

WB ESF Standard	Gaps
ESS2: Labour and Working Conditions	(i) The Labour Act does not specifically require that development projects be assessed and reviewed in terms of labour and working conditions including OHS requirements before approval. (ii) The Labour Act does not require development projects to prepare Labour Management Plans/Procedure or OHS Plan.
ESS4: Community Health and	Covered under ESIA but the systems do not provide clear requirements for the development project and

Safety	implementation. Health issues are within the purview of MoHFW, but it is currently not involved in project preparation and oversight.
--------	---

The law applies to all “establishments” which are defined broadly to include, shops, hotels, restaurants, factories (though these must employ more than five laborers), plantations, docks, transport services, construction sites, and “any premises in which laborers are employed to carry on any industry.” It does not apply to the agricultural sector – though it does apply to tea plantations, and certain provisions apply to tea gardens. It covers contractors (and its operations at construction sites) however it is not clear if the law applies to development project management which is inevitable "ad hoc" as regard implementation with staff that are co-terminus with the project.

The Public Procurement Rule 2008 requires contractors to take all reasonable steps to safeguard the health and safety of all workers working on-site and other persons authorized to be in it; (ii) to keep the site in an orderly state; and (iii) to protect the environment on and off the site; to avoid damage or nuisance to persons or property of the public or others resulting from pollution, noise or other causes arising as a consequence of the Contractors methods of operation.

The Bangladesh Labor Act 2006 both consolidates the law that existed in 25 Acts and Regulations (including the Factories Act 1965, and Industrial Relations Ordinance 1969 - all of which have now been repealed) whilst at the same time making some significant amendments.

The Act imposes obligations in the following areas of Labor law:

- Conditions of service and employment including wages and payment (and establishment of Wages Boards), employment of young people, maternity benefits, working hours and leave;
- Health, safety, hygiene, and welfare, and compensation for injury;
- Trade unions and industrial relations.

The labor law of Bangladesh clearly describes all things related to labor and workforce including wage and salary, termination, redressing, work environment, female worker, recruitment, unionization, child labor and so on. According to the Labor Act 2006, some salient features of Bangladesh labor law are described as follows:

3.1 Work hours: Section 100 makes a provision of 8 working hours a day for an adult worker, but an adult worker may work 10 hours a day provided all the conditions of section 108 have been fulfilled. According to that section the employer is required to pay the worker, overtime, double the rate of his/her usual wages. i.e. basic & dearness allowance, if any. The employer is also required to maintain an overtime registrar as per the law. The new law makes a provision of total 48 (forty-eight) working hours for a worker, but it can be extended up to sixty hours, subject to the payment of overtime allowances as per section 108 of the law.

3.2 Wages: Public sector laborers’ wages are set by the National Pay and Wages Commission and may not be disputed. In the private sector, wages are set by the industry, and collective bargaining rarely occurs due to high unemployment and laborers’ concerns over job security.

The legal workweek is 48 hours, with one day off mandated. This law is rarely enforced, especially in the garment industry.

The term "Wages" means all economic benefits including salary, any bonus, and remuneration for overtime work, holiday or leave, termination of employment or other additional remuneration payable under the terms of employment. Every employer is responsible for the payment of wages to laborers employed by him. In the case where the wages of a worker employed by a contractor are not paid by the contractor, the wages must be paid by the employer of the establishment. The maximum wage period is one month. The wages of every worker must be paid before the expiry of the 7th working day after the last day of the wage period in respect of which the wages are payable.

The term minimum wage is not defined by the Labor Act 2006 rather it sets a procedure for fixing industry-wise minimum wage rates. Minimum wage rates are declared by the Government on an industry basis following recommendations by the Wages Board, a specialist tripartite board established under section 138 of the Labor Act 2006. In making its recommendation, the Wages Board takes into consideration cost of living, the standard of living, cost of production, productivity, and price of products, business capability, inflation rate, economic and social conditions of the country and the locality concerned and other relevant factors.

The Minimum Wages Board (MWB) is obliged to revise its recommendations if any of the aforementioned criteria change (within 1-3 years). The minimum rates of wages for any industry may be re-fixed after every five years as may be directed by the Government.

Minimum wage rates are set on an industry basis and are binding on all employers concerned. Failure to pay laborers the minimum wage is punishable by imprisonment for up to one year, or by fine up to Tk. 5,000 or by both.

Where the employment of a worker is terminated by retirement or by the employer, whether by way of retrenchment, discharge, removal, dismissal or otherwise, the wages payable to him must be paid before the expiry of the 30th working day from the day on which his employment is so terminated. Wages have to be paid in legal tender, through cheque and in some cases (given the requirement of the laborers) through an electronic transfer in favor of the bank account of the worker or through any other digital medium. Wages must be paid on a working day. No deduction can be made from the wages of a worker except those authorized by the Labor Act in its section 125.

3.3 Employees union: Employees are allowed to make unions establish and ensure their rights but the government does not permit any unionization in the EPZ. In 2018 the government amended the law changing laborers' participation required to form trade unions at factories reduced to 20% from the previous 30%.

3.4 Regular leaves and benefits: According to Act 2006, every worker must enjoy paid sick leave, casual leave, and festive holiday. The laborers would get festival allowances as per the rules, and laborers of the export-oriented and foreign exchange earning industries would enjoy the facilities from the central group insurance policy. Laborers, if they wish, can enjoy weekly

holiday merging with festival holidays. On any festival holiday, a worker can be asked to work in exchange for one-day alternative holiday and compensation allowances equivalent to wages of two days.

3.5 Maternity leave: Female worker will get paid maternity leave. An expectant mother would be entitled to 8-week maternity leave and other benefits within three days of submission of necessary documents. Maternity leave was made mandatory since 2018.

3.6 Safe work environment- Health/ Safety/ Welfare: Every industrial unit having more than 25 laborers must have the arrangement of a dining and restroom with facilities of drinking water. This act also ensures employee safety, health and resolving any kind of disputes and unfairness also.

3.7 Notice periods: A permanent employee at a company must give his employer 14 days' notice if s/he wishes to quit or one month notice if the employee is paid monthly. Termination is considered a “discharge” in the case that an employee is fired for reasons of mental or physical incapacity, illness or other reasons not related to misconduct by the employee. An employer must pay compensation when a termination is unrelated to discharge or dismissal and must give justification when they do terminate on grounds of discharge or dismissal. There is already an initiative of Bangladesh Labor Welfare Federation under MoLE to set up a ‘pension & gratuity’ system for the wage laborers.

4. BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

Generally, the management of community health and safety of development projects is covered under Environmentally Critical Areas (ECA) and Environmental Compliance Report (ECR). Typically, OHS measures extend to the general public at construction sites.

There are two components of OHS. One is the physical safety of project communities and workers who are exposed to the project activities during construction and operation, including risks of accidents and risks of violence due to increase in crimes and cultural conflict between locals and migrant population. The other pertains to the exposure and/or increased risks of diseases by the community due to influx of people during construction and operation and due to the changes in the project area, including pollution and ecological change. The physical safety aspects are partly addressed by the OHS provisions of Labor Act. Other laws have specific provisions that address part of ESS4. The LMP has incorporated other necessary measures to mitigate all risks as foreseen.

Bangladesh has a well-structured health system with three tiers of primary health care – Upazilla Health Complexes (UHC) at the sub-district level, Union Health and Family Welfare Centers (UHFWC) at the Union (collection of few villages) levels, and Community Clinics (CC) at the village level. These are backed by the District Hospitals providing secondary level care and the tertiary hospitals of various kind in large urban centers. The system is decentralized covering all districts, sub-districts and rural towns and villages in the country. Bangladesh has a good infrastructure for delivering primary health care services. However, due to inadequate logistics, the full potential of this infrastructure has never been realized.

Traffic road accident is a serious issue in Bangladesh. Road traffic accident fatalities in Bangladesh is estimated to be around 10,000/year (DFID, 2003) to about 20,000/year (WHO, 2009), about 47% of it involving pedestrians.

There are two kinds of formal means by which health, safety and welfare obligations can be enforced. First through the use of powers provided to inspectors to require improvements to make; and second through the use of criminal prosecutions. ‘Factory Inspectors’ (DIFE) are given certain powers to take steps requiring improvement if inspectors believe certain circumstances exist.

4.1 Health and Safety Offences: There are five offences in the Act specifically relating to health, safety and welfare – the selling of unguarded machinery (Section 208), failure to give notice of an accident (Section 290), a breach causing death (Section 309a), a breach causing grievous bodily harm (Section 309b) and a breach causing any harm (Section 309c).

Besides, there is a ‘catch-all’ offence that allows prosecutions against “whoever contravenes or fails to comply with any provisions of the Code or any rules of the scheme made under it” – which is punishable by up to 3 months imprisonment or with a fine of up to Tk. 1,000 or both (Section 307). This offence would, for example, apply to any breach of the obligations involving health, safety and welfare, not already covered by the offences above. A repeat conviction for the same offence can result in double the fine or sentence of imprisonment (Section 308).

When there has been a breach of a duty imposed upon an employer, any one of individuals defined as an employer can be prosecuted. Besides, when a company is prosecuted, “every director, partner, shareholder or manager or secretary or any other officer or representative directly involved in [its] administration” shall be deemed guilty unless he can prove the offence has been committed without his knowledge.

Table 2: Conformance of the Bangladesh Labor Act with key elements of the ESS2

Key Elements of ESS2	Provisions in the Labour Act	Steps planned
Equal Opportunity and Non-discrimination	The law contains important provisions prohibiting discrimination based on sex and disability, including equal wages for equal work.	No steps required.
Timely payment	Wages must be paid before the expiry of the 7 th working day after the last day of the wage period.	No steps required.
Working hours and overtime	48 hours per week extendable up to 60 hours with 12 hrs. overtime.	No steps required.
Worker rights	Regular leaves and benefits. The employer must provide reasons for termination.	The LMP incorporated necessary provisions and actions.

Prevents use of all forms of forced labour and child labour	Below 14 years of age shall not be required or allowed to work in any factory. 14 years of age shall allow working in a factory if s/he is trainee or s/he has the certificate of fitness and government permission if the nature of employment is considered non-hazardous. Otherwise, all forms of child labour are banned.	No steps required.
<i>Protection of Workers</i>		
OHS	The law provides for comprehensive OHS and empowers DIFE to conduct inspections of establishments and to impose penalties for violations or non-compliance.	No steps required.
Children at the Working Age	Children (14 - 18) shall be assigned only light work and not be assigned to hazardous tasks.	No steps required.
Women	8 weeks paid maternity leave for expectant mothers is mandatory.	No steps required.
Person with Disabilities (PWD)	Person with Disabilities (PWD) Rights and Protection Act 2013 provides for rights to discrimination-free employment opportunities.	The LMP incorporated necessary provisions and actions.
Migrant Workers	No special provisions for migrant workers	No steps required.
Contractor Workers	In the case where the wages of a worker employed by a contractor are not paid by the contractor, the wages must be paid by the employer of the establishment.	No steps required.
Community Workers	The labour law does not recognize community workers as defined in the ESS2 and hence does not provide any special considerations for such contracting arrangements. The law requires that all labour supply contracting agency will have to be formally registered and workers should first be the responsibility of the contracting agency.	No steps required.
Supplier/ Supply Workers	The law does not assign any responsibility to the project on the	The LMP incorporated necessary provisions and

	supplier's labourers and their working conditions. Workers of suppliers will have to be the responsibility of the suppliers.	actions.
Freedom of association and collective bargaining	Employees are allowed to form a union with at least 20% of the employees participating, but the government does not permit any unionization in the Export Processing Zones.	No steps required.
Access to a grievance redress mechanism	<p>Employees can seek direct civil law redress from the Labour Courts for complaints regarding terms and conditions employment and wages.</p> <p>While health and safety, maternity welfare and child labour offences are subject to criminal prosecution.</p> <p>In general, there is institutional GRM for labour in Bangladesh as per the standards/provisions of the Bank's ESS2.</p>	The LMP incorporated necessary provisions and actions.

5. RESPONSIBLE STAFF

The overview of responsible staff and oversight mechanisms will be described in further detail in the ESMF. This is an overview – the details will flow from the ESMF and can be taken further forward during the implementation stage.

RELI-SDF's management will be entrusted with the Managing Director (MD) who has the overall responsibility to oversee all aspects of the implementation of the LMP, in particular, to ensure contractor compliance. SDF will address all LMP aspects as part of procurement for works as well as during contractor induction. The contractor is subsequently responsible for management following contract specific Labor Management Plans, implementation of which will be supervised by RELI-SDF's monthly or at shorter intervals as defined by specific plans. The detailed approach is described in the following sections.

5.1 Occupational Health and Safety. Contractors by the Gram Samity (ies) will prepare an OHS Management Plan taking into account the prevailing context and need and must engage a minimum of one safety representative during the construction of the office buildings or repairing of the rural roads and trails. Smaller contracts may permit the safety representative to carry out other assignments as well. The safety representative ensures the day-to-day compliance with specified safety measures and records of any incidents. Minor incidents are reported to SDF monthly, serious incidents are reported immediately. Minor incidents are reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately.

5.2 Labor and Working Conditions. Contractors will keep records following specifications set out in this LMP. SDF may at any time require records to ensure that labor conditions are met. SDF will review records against actuals at a minimum monthly and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

5.3 Worker Grievances. RELI-SDF’s procedures currently in place will remain for Project staff. Gram Samity and the Contractors, as relevant, will be required to present a worker grievance redress mechanism which responds to the requirements in this LMP. Project Management’s designated Officer will review records monthly. Where worker concerns are not resolved, the national system will be used as set out in the section, but SDF will keep abreast of resolutions and reflect in quarterly reports to the World Bank.

5.4 Additional Training. Contractors and also the Gram Samity as relevant, are required to, at all times, have a qualified designated officer on board. If training is required, this will be the contractor’s responsibility. The safety officer will provide instructions to the contractor staff. SDF will procure for training to address risks associated with labor influx and will provide a schedule for training required. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by SDF, as specified by the contract.

5.5 Raising awareness. The project will take initiative to organize sessions on raising awareness of the communities on issues relevant to the project’s compliance and standards (e.g. labor standards, gender-based violence et al). This, in addition to the project’s Communication Strategy, will ensure effective and efficient participation of different stakeholders of the project.

Table 3: Agencies involved in ES Risk Management of development projects in Bangladesh

ESF Standards	Assessment	Planning	Implementation	Oversight
ESS2: Labour and Working Conditions	SDF	SDF	SDF	FID (MOF)
ESS4: Community Health and Safety	SDF	SDF	SDF	FID (MOF)

6. POLICIES AND PROCEDURES

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

Most environmental and social impacts of sub-projects resulting from activities directly under the control of contractors will be mitigated directly by the same contractors. As a consequence,

ensuring that contractors effectively mitigate project activity related impacts is the core of the project’s approach. SDF, and where relevant the Gram Samity, will incorporate standardized environmental and social clauses in the tender documentation and contract documents, for potential bidders to be aware of environmental and social performance requirements that shall be expected from them, can reflect that in their bids, and required to implement the clauses for the duration of the contract. SDF will enforce compliance by contractors with these clauses.

As a core contractual requirement, the Gram Samity (ies) is required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the SDF or SDF appointed agents. The contractual arrangements with each project work must be clearly defined following national law. A full set of contractual requirements related to environmental and social risk and impact management will be provided in the Projects’ Environmental and Social Impact Assessment. All environmental and social requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the Projects environmental and social instruments.

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

6.1 - Occupational, Health and Safety

RELI-SDF is committed to:

1. Complying with legislation and other applicable requirements which relate to the occupational health and safety hazards.
2. Enabling active participation in OH&S risks elimination through the promotion of appropriate skills, knowledge and attitudes towards hazards allocating adequate resources.
3. Continually improving the OH&S management system and performance.
4. Communicating this policy statement to all persons working under the control of SDF with emphasis on individual OH&S responsibilities.
5. Availing this policy statement to all interested parties at all SDF facilities and sites.

The RELI-SDF Project will have a designated Safety, Health and Environmental Representative within the Gram Samity (ies) for the workplace or a section of the workplace for an agreed period. At a minimum, the Representative must:

- a. Identify potential hazards;
- b. In collaboration with the employer, investigate the cause of accidents at the workplace;

- c. Inspect the workplace including plant, machinery, and substance, to ascertain the safety and health of employees provided that the employer is informed about the purpose of the inspection;
- d. Accompany an inspector whilst that inspector is carrying out the inspector's duties in the workplace;
- e. Attend meetings of the safety and health committee⁷ to which that safety and health representative is a member;
- f. Subject to (g), make recommendations to the employer in respect of safety and health matters affecting employees, through a safety and health committee; and
- g. Where there is no safety and health committee, the safety and health representatives shall make recommendations directly to the employer in respect of any safety and health matters affecting the employees.

Further to avoid work-related accidents and injuries, the contractor will:

1. Provide occupational health and safety training to all employees involved in works.
2. Manage road/ traffic safety risk associated with movement of construction vehicles both on construction site and while driving to/from construction sites.
3. Provide protective masks, helmet, overalls and safety shoes, and safety goggles, as appropriate.
4. Provide workers in high noise areas with earplugs or earmuffs.
5. Ensure availability of first aid box.
6. Provide employees with access to toilets and potable drinking water.
7. Provide safety and occupational safety measures to workers with Personal Protection Equipment (PPE) for all activities identified as OHS risks for example when installing pumps to prevent accidents during replacement and/ or installation and follow safety measures in installing the submersible pump and cleaning the raiser pipes.
8. Properly dispose of solid waste at designated permitted sites landfill allocated by the local authorities and cleaning funds, and attach the receipt of waste from the relevant landfill authority.
9. Carry out all procedures to prevent leakage of generator oil into the site and develop procedure for rapid clean up in case of a spill .
10. Ensure that the head of the well is covered tightly.
11. Provide a secondary tank for oil and grease to avoid spills.
12. Ensure regular testing of ground water from which source the project community using the water.

Further to enforcing the compliance of environmental management, contractors are responsible and liable of the safety of site equipment, labors and daily workers attending to the construction site and safety of citizens for each subproject site, as mandatory measures.

6.2 - Gender-Based Violence

⁷ The area-wise (district/ sub-district) Safety and Health Committee will be formed before the start of the project implementation in each project sites. This Committee will be led by the Gram Parishad/ Samity lead with two (02) Members (One Female and One Male) one of whom will be the Safety and Health Representative. The Committee will meet quarterly to evaluate the progress as planned and take necessary steps/ action as required.

The Gram Samity (ies) will - maintain labor relations with local communities through a code of conduct (CoC). The CoC commits all persons engaged by the Samity, including subcontractors and suppliers based at the community, to acceptable standards of behavior. The CoC shall include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). The CoC shall be written in Bangla in a reader-friendly style and signed by each worker to indicate that they have:

- i. Received a copy of the CoC as part of their contract;
- ii. Had the CoC explained to them as part of the induction process;
- iii. Acknowledged that adherence to this CoC is a mandatory condition of employment;
- iv. Understood that violations of the CoC can result in serious consequences, up to and including dismissal, or referral to legal authorities.

A copy of the CoC shall be displayed in a location easily accessible to the community and project-affected people. It shall be provided in Bangla.

Contractors shall address the risk of gender-based violence, through:

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

A system to capture gender-based violence, sexual exploitation and workplace sexual harassment-related complaints/issues shall be developed.

This process shall be under the portfolio of a designated Officer who shall identify and engage the relevant stakeholders on GBV issues.

6.3 – Addressing COVID-19 Situation

The project will take necessary measures to address issues related to the COVID-19 by using a systematic approach that emphasizes on the collaboration of laborers and the management through active engagement. The best way to control COVID-19 is to systematically prevent it from entering the workplace in the first place. In sites/areas where it may not be possible to eliminate the COVID-19 outbreak due to the high density of workers in a small place, the most effective protection measure will be to use the “hierarchy of controls” to select ways of controlling workplace hazards.

Following the norms mentioned below will help improve response and preparedness of workplaces in dealing with COVID-19.

- i. Communicating and implementing COVID-19 related norms as prescribed by the government in the project area by the PM through training, and targeted interventions

relevant to assigned tasks including but not limited to induction training, and training of safety.

- ii. Regular review, coordination, and updates to the plan as COVID-19 outbreak conditions change, including as new information about the virus, its transmission, and impacts become available.
- iii. Prepare an SOP related to receipt of raw materials, accessories, machines, tools, accessories, and any other goods into project premises, including what is imported from outside the country. This should include quarantine and checking the area for what is brought into the site/establishment premises.
- iv. Training and awareness-raising on the COVID-19 related needs of specific workers, including pregnant workers, workers with disabilities and workers with family responsibilities and/or dependents.
- v. Assure workers about their paid leave entitlements and non-retaliation for taking sick leave for showing COVID-19 related symptoms.
- vi. Provide laborers with a list of referrals to essential health services including health care facilities treating COVID-19.
- vii. Actively encourage sick employees to stay home. Promote awareness-raising among line managers to avoid penalization of employees for taking sick leave.
- viii. Establishing hand wash stations at the main gate with the adequate number of liquid soaps; ensuring hand wash/sanitization for all the visitors and employees while entering into the office.
- ix. Project office and/or sites should complete disinfection before workers enter the factory.
- x. Using personal protective equipment (PPE) such as disposable gloves protective suit and the mask is mandatory when disinfection processes are implemented.
- xi. Routine cleaning is being continued with more attention to disinfect stairs' handrail, lift button, inside of lift, exit doors' handle, fire doors' handle, photocopy machines, first aid boxes, dining tables, pantry and production tools and equipment.
- xii. The bottom of shoes should be sprayed with disinfectant while entering the office and ensure everyone does not remain in barefoot. If necessary, provide spare sandals for the production floor
- xiii. All vehicles must be disinfected upon entry.
- xiv. Divide the lunch/dinner/prayer break into several shifts to avoid the large number gathering at a time and place the same simultaneously.
- xv. Change the attendance system of the fingerprint to the use of punch card attendance. If temporary registers are used, then the pens used should be wiped with hand sanitizers after each use.

- xvi. Posting awareness poster with several emergency instructions throughout the factory and distributing leaflet on COVID-19, including information related to health services. If possible use social media, SMS, apps for sharing awareness information.
- xvii. Motivating all the employees to maintain personal hygiene in their homes also.

7. AGE OF EMPLOYMENT

No one below the age of 18 years will be employed under the RELI-P as all forms of child labor are banned since the 2018 amendment of national Labor law.

8. TERMS AND CONDITIONS

As stated in section 3 of this LMP the terms and conditions of employment are governed by the Labor Act. The Act makes it mandatory for employers to give its employees a copy of the written particulars of employment, signed by both parties. For this project, contractors will be required to provide all its employees with written particular of employment.

Contractors will also be required to comply with the most current regulation of wages which is issued by the Government and reviewed regularly. The order specifies the minimum wages, hours of work, overtime pay, leave entitlements, travelling and subsistence allowances and the issue of protective clothing.

The Act states that before a contractor is awarded a public contract, that contractor is required to certify in writing that the wages, hour and conditions of work or persons to be employed by him on the contract are not less favorable than those contained in the most current wages regulation issued. Where a contractor fails to comply with this requirement, the contract with the contractor may be withdrawn as an approved contractor of the SDF.

In ensuring full compliance with the law in this regard, contractors or the Gram Samity as applicable will be required to furnish SDF with copies of the Written Particulars of Employment or copies of the contract of all its workforce. Contractors will not be allowed to deploy any employee to work in the project if such copy of employment of that employee has not been handed to SDF.

As a monitoring mechanism, the contractor shall not be entitled to any payment unless he has filed, together with his claim for payment, a certificate: - a) stating whether any wages due to employees are in arrears; b) stating that all employment conditions of the contract are being complied with. For this project, it will be a material term of the contract to allow SDF to withhold payment from the contractor should the contractor not fulfil their payment obligation to their workers.

8.1 - Worker's Organization

The country has ratified the numerous ILO Conventions aimed at ensuring that member states do protect the notion of collective bargaining. The Labor Act enacted to give effect to collective bargaining, amongst other purposes. The Act allows for the collective negotiation of terms and conditions of employment.

The RELI-SDF shall provide employees with the right to join and form an organization for purpose of labor representation to negotiate favorable terms and conditions for their members amongst other rights.

9. GRIEVANCE REDRESSAL MECHANISM

As per its HRPM the SDF does not tolerate any discrimination of staff on gender, race, disability, caste, ethnicity, class, and other social and economic divisions or selection. SDF recognizes that every grievance needs to be heard and resolved and delayed response to grievance redress would be treated as denial of it. For a transparent and fair (unbiased) mechanism to address grievances at all levels on time, a Grievance Redress Committee shall be in place at various levels to redress the grievance.

SDF also believes that in any working environment, both employers and employees need to be fully conversant with all aspects of disciplinary processes, the grievance handling procedures and the legal requirements and rights involved. In implementing an effective dispute management system consideration must be given to the disputes resulting from the following:

1. Disciplinary action
2. Individual grievances
3. Collective grievances and negotiation of collective grievances
4. Gender-based violence, sexual exploitation and workplace sexual harassment

Build upon the HRPM and existing practices by the SDF, there will be a three (03) tier process redressing grievances with a 3-4 Members Committee:

- a) SDF local/ district level
- b) SDF regional office level
- c) SDF headquarter level

MD, SDF in consultation with the Senior Management Team (SMT) would form these committees where at least one person in each committee should be a female. Each committee would have a Chairperson. Overall, Director, HRD, SDF would be the nodal person for redressal of all grievances. In case of a grievance where it relates to local issues pertaining to the staff or to the policies of SDF and where it relates to local concerns/ issues or local staff, s/he would determine herself whether it could be handled by the District/ Regional Committee. The Director, HRD would make reference and it would be placed to the concerned committee within two (02) days of the receipt of the grievance. For any unsuccessful/ dissatisfied cases it would move to the next level for hearing.

9.1 - Disciplinary Procedure

SDF encourages resolving of grievances through informal channels. The starting point for all disciplinary action rules may be implied or explicit and of course, will vary from workplace to workplace. Some rules are implied in the contract of employment (e.g. rule against stealing from the employer), however, even implied rules should be included in the disciplinary code or schedule of offences. In an organized workplace these rules ideally are negotiated with the trade

union and are often included in the Recognition Agreements signed by the employer and trade union. These workplace rules must be:

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

SDF will establish a fair and effective disciplinary procedure in the workplace, which should be fair and just. The procedure is as follows: -

- a. Investigate to determine whether there are grounds for a hearing to be held;
- b. If a hearing is to be held, the employer is to notify the employee of the allegations using a form and language that the employee can understand;
- c. The employee is to be given a reasonable time to prepare for the hearing and to be represented by a fellow employee or a union representative;
- d. The employee must be allowed to respond to the allegations, question the witnesses of the employer and to 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 is to be chaired by an impartial representative.

If an employee is dismissed, it must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal. Therefore, it is incumbent upon the Contractors to ensure that they have a disciplinary procedure and Code and standards which the employees are aware of. Each contractor will be required to produce this procedure to ensure that employees are not treated unfairly.

9.2 - Individual Grievance Procedure

Every employer, including contractors, to have a *Formal Grievance Procedure* which should be known and explained to the employee.

It is recommended that such procedure should at least:

- a. Specify to whom the employee should lodge the grievance;
- b. Refer to time frames in the Labor Management Plan 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 SDF.

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

9.3 - Collective Grievances and Disputes resulting from the negotiations of Collective agreements

Where a trade union is recognized, it is entitled to negotiate regularly with the employer over terms and conditions existing at the workplace and the employer is obliged to negotiate with it. The procedures followed in such instances is usually contained in the agreement, which states how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation and the procedure to deal issues that are not resolved through consensus. In the type of disputes, if the dispute is not resolved at the workplace, the parties to the dispute can utilize the dispute resolutions mechanisms provided for in the labor legislation.

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

SDF will, with support from consultants, identify institutions and services provides who are actively engaged in the prevention of gender-based violence, sexual exploitation and workplace sexual harassment to establish a manual for referencing any potential survivors. SDF, the project unit and the contractor is not equipped to handle complaints or provide relevant services to survivors but will refer any person to relevant service providers, including health facilities, law enforcement's gender unit or others, as relevant using the information on available services. Grievances related to gender-based violence be reported through the project/contractor, the nature of the complaint will be recorded along with the age of the complainant and relation to the project will be recorded but the issue will be referenced to relevant institutions.

Also, the ESIA may identify additional mitigation measures related to gender and such measures will be reflected in site-specific ESMPs, including the contractors ESMP or contractors specific Labor Management Plans, where required. This will include engagement with communities on gender-related risks, grievance and response measures available, as identified in the manual.

10. CONTRACTOR (GRAM SAMITY) MANAGEMENT

RELI-SDF requires that Gram Samity (ies) monitor, keep records and report on terms and conditions related to labor management. The Samity must provide workers with evidence of all payments made, including social security benefits, pension contributions or other entitlements regardless of the worker being engaged on a fixed-term contract, full-time, part-time or temporarily. The application of this requirement will be proportionate to the activities and the size of the contract, in a manner acceptable to SDF 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:** number of workers, the indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child labor is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- d. **Training/ induction:** dates, number of trainees, and topics.

- e. **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.
- f. **Worker grievances:** details including occurrence date, 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 received since the preceding report and those that were unresolved at the time of that report.

The Project’s oversight of contractors is set out in section 5 of this LMP. The following procedures are currently in place for SDF contractor management, but have been adjusted to adhere to LMP provisions:

1. Ensure that Gram Samity(ies) have valid contracts with clearly define service-level agreement per the national law and all environmental and social clauses, as applicable: Project Management Office, and reviewed by RELI-SDF
2. Gram Samity(ies) induction to RELI-SDF standards and LMP: Project Management, attended by RELI-SDF team
3. Monthly submission of records: Gram Samity submission to Project Management
4. Monthly site visits (at a minimum) and reports: Project Management, and other Officers
5. Evaluation of contractor requirements. This includes training, OH&S files, certifications and others. The evaluation results in Portfolio Reports which includes recommendations for contract extension or termination
6. Training needs identification recorded in Gram Samity(ies) Training Schedule
7. Annual Gram Samity(ies) Management Plans submitted

11. COMMUNITY WORKERS

Basic institutional set-ups at community-level of RELI-SDF would be the community groups/organizations i.e. the Gram Samity who would be responsible for implementing VDF activities in the village.

If/ as/ when any community workers are involved in the project through the Samity – it will follow the same terms and conditions and work as of other workers. The Project will take necessary measures to check that that community labor is provided voluntarily at all level.

RELI-SDF will apply the relevant provisions of this ESS in a manner which reflects and is proportionate to-

- a) The nature and scope of the project;
- b) The specific project activities in which the community workers are engaged; and
- c) The nature of the potential risks and impacts to the community workers.

Minimum standards that should be followed while engaging the community workers would encompass-

- a) A contract letter;
- b) A register to maintain a log of attendance/ remuneration;
- c) Payment through mobile wallet (e.g. bKash/ Nagad/ Rocket).

Any grievances, as arises, will be addressed by the PM/ Gram Samity (ies) following the similar standards as mentioned in the LMP in close coordination and consultation with the respective local/ community leaders.

12. PRIMARY SUPPLY WORKERS

The risk associated with primary supply associated with the Project is assessed below. All primary suppliers are formal businesses who are required to procure and produce materials subject to high standards. Any new supplier is vetted using a different form which screens the supplier concerning compliance with taxes, certification, licensing, and workmen's compensation.

A separate form requires that the primary supplier identify the company's permanent staff, and declare any current or prior arbitrations as well as any criminal convictions. Registered suppliers are subject to regular review. The review is carried out twice annually and requires an Officer to visit the supplier's premises. The supplier evaluation form provides for Commercial Services to report any labor irregularity is observed.

RELI-SDF will also ensure, that any primary supplier to the project report fatalities or serious injury, and informs government authorities following national reporting requirements.

Annex 1
(WRITTEN PARTICULARS OF EMPLOYMENT)

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

Notes:

- (a) An employee is free to join a trade union or staff association, which is recognized by the undertaking. The address of the Trade Union or Staff Association is:

- (b) The grievance procedure and disciplinary procedure in this undertaking requires to be followed when a grievance arises or disciplinary action that needs to be taken.....

- (c) When any heading is inapplicable enter NIL.

Employer’s signature	Witness
Employee’s signature	Witness
Date	Date

Annex 2

Suggested Due Diligence for Social and Environmental Mitigation Measures in Contracts

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

	<ul style="list-style-type: none"> • Ensure the bidding documents detail how the contractor and supervision engineer will be required to monitor and report on the impacts on the local community, issues related to labor influx and workers’ camps. • Propose Key Performance Indicators (KPIs) for Contract Management, reflecting issues and risks specific to the contract and the monitoring plan.
<p>Bidding evaluation</p>	<ul style="list-style-type: none"> • Review the Borrower’s bid evaluation report and request to review the bids where appropriate, to verify for the recommended bidder that documents related to the ESMP, safeguard implementation capacity, and other obligations of the contractor required to be submitted with the bid are sufficiently detailed and cover the contractual requirements. • Require the contractor’s representative or dedicated community liaison staff to have the ability to communicate in the language of the Borrower and/or the local language. • Verify that the contract management framework identifies lines of communication and that these are formalized and a consistent record is provided. • Ensure that the contractor meets the project’s OHS requirements for capability and experience.
<p>After contract signing</p>	<ul style="list-style-type: none"> • Before commencing works, the contractor submits site-specific CESMP(s) based on the ESMP, which includes specific management plans for (i) work activities; (ii) traffic management; (iii) occupational health and safety; (iv) environmental management; and (v) social management.

Annex 3

Code of Conduct

Preamble

The RELI-SDF Code of Conduct defines labor standards that aim to achieve decent and humane working conditions. The Code's standards are based on national law and accepted good labor practices.

Companies affiliated with the RELI-SDF are expected to comply with all relevant and applicable laws and regulations of the country in which workers are employed and to implement the Workplace Code in their applicable facilities. When differences or conflicts in standards arise, affiliated companies are expected to apply the highest standard.

The RELI-SDF monitor's compliance with the Workplace Code by carefully examining adherence to the Compliance Benchmarks and the Principles of Monitoring. The Compliance Benchmarks identify specific requirements for meeting each Code standard, while the Principles of Monitoring guide the assessment of compliance. The RELI-SDF expects affiliated companies to make improvements when Code standards are not met and to develop sustainable mechanisms to ensure ongoing compliance.

The RELI-SDF provides a model of collaboration, accountability, and transparency and catalyzes positive change in workplace conditions. As an organization that promotes continuous improvement, the RELI-SDF strives to be a global leader in establishing best practices for the respectful and ethical treatment of workers, and in promoting sustainable conditions through which workers earn fair wages in safe and healthy workplaces.

Employment Relationship

Employers shall adopt and adhere to rules and conditions of employment that respect workers and, at a minimum, safeguard their rights under national and international labor and social security laws and regulations.

Non-discrimination

No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, based on gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.

Harassment or Abuse

Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.

Forced Labor

There shall be no use of forced labor, including bonded labor or other forms of forced labor.

Child Labor

No person shall be employed under the age of 14 or the age for completion of compulsory education, whichever is higher.

Freedom of Association and Collective Bargaining

Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.

Health, Safety and Environment

Employers shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt responsible measures to mitigate the negative impacts that the workplace has on the environment.

Hours of Work

Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country. The regular work week shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest in every seven days. All overtime work shall be consensual. Employers shall not request overtime regularly and shall compensate all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 60 hours.

Compensation

Every worker has a right to compensation for a regular work week that is sufficient to meet the worker's basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers' basic needs and provide some discretionary income, each employer shall work with the RELI-SDF to take appropriate actions that seek to progressively realize a level of compensation that does.