

LABOUR MANAGEMENT PROCEDURES

Meghalaya Logistics & Connectivity
Improvement Project (MLCIP)

Meghalaya
Infrastructure
Development &
Finance
Corporation

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ABBREVIATIONS

| | | |
|----------|---|--|
| BOCW | : | Building and Other Construction Workers |
| CE | : | Chief Engineer |
| C-ESMP | : | Contractor's Environmental and Social Management Plan |
| CM | : | Chief Minister |
| CAP | : | Corrective Action Plan |
| CoC | : | Code of Conduct |
| CSC | : | Construction Supervision Consultant |
| DoA | : | Department of Agriculture |
| DPR | : | Detailed Project Report |
| EPF | : | Employees' Provident Fund |
| ESA | : | Environmental and Social Assessment |
| ESCP | : | Environment and Social Commitment Plan |
| ESF | : | Environmental and Social Framework |
| ESHS | : | Environmental Social Health and Safety |
| ESIA | : | Environmental and Social Impact Assessment |
| ESMP | : | Environmental and Social Management Plan |
| ESM Cell | : | Environment Social Management Cell |
| ESS | : | Environmental and Social Standard |
| GBV | : | Gender-Based Violence |
| Gol | : | Government of India |
| GoM | : | Government of Meghalaya |
| GRM | : | Grievances Redress Mechanism |
| ICC | : | Internal Complaints Committees |
| LCC | : | Local Complaints Committees |
| LMP | : | Labor Management Procedure |
| MIDFC | : | Meghalaya Infrastructure Development Finance Corporation |
| MLCIP | : | Meghalaya Logistic & Corridor Improvement Project |
| OHS | : | Occupational Health and Safety |
| PMC | : | Project Management Consultant |
| RCA | : | Root Cause Analysis |
| RAP | : | Resettlement Action Plan |
| SEA | : | Sexual Exploitation and Abuse |
| SEP | : | Stakeholder Engagement Plan |
| SH | : | Sexual Harassment |
| WB | : | World Bank |

1. PROJECT DESCRIPTION

The project will be implemented by the MPWD, Govt. Of Meghalaya. Labour needs will include the establishment of Project Management Unit (PMU), deploying direct workers- consultants, subject matter experts and contracted workers employed by a) consulting firms to undertake professional services for the preparation, development and implementation of the technical components and b) contractors to undertake civil works.

The PMU will be responsible for the overall project implementation and coordination of activities, including compliance with environment and social requirements in line with the World Bank's ESF including ESS-2 on Labor and Working Conditions and ESS-4 on Community Health and Safety. The PMU will have its own team of experts in its Environmental and Social Cell and engage Project Management Consultant and Supervision Consultants with expertise in environmental, social, occupational health and safety issues throughout the project period

Purpose of Labour Management Procedure:

The LMP for MLCIP is being prepared under the World Bank's Environmental and Social Standard (ESS) 2 - Labor and Working Conditions. The Labor Management Procedure (LMP) has been prepared for this Project to achieve the following key objectives:

- 1.** To promote safety and health at work.
- 2.** To promote fair treatment, non-discrimination, and equal opportunity of project workers.
- 3.** To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS 2) and migrant workers, contract workers, community workers and primary supply workers, as appropriate.
- 4.** To prevent the use of all forms of forced labor and child labor.
- 5.** To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- 6.** To provide project workers with accessible means to raise workplace concerns.

2. OVERVIEW ON LABOR USE IN THE PROJECT

2.1. Types of Workers

Project workers are grouped into the three applicable categories – direct workers; contracted workers, and primary supply workers.

1. **Direct Workers:** The direct workers will comprise of project staff hired by the implementing agencies for implementation, including at the Project Management Unit, and the MPWD PIU as per requirement.

2. **Contracted Workers:** This category constitutes different sub-categories of Contract Workers as hereunder:

i. **Construction Workers:** Construction activities will require contract workers, comprising of project, supervision and construction managers and supervisors apart from skilled, semi-skilled and unskilled construction workers that will be deployed by the Contractors and sub-contractors of different packages. The skilled and unskilled workers will be normally sourced through registered Labor contractors, as a standard operating practice. They may bring in skilled migrant workers for some of more specialized tasks.

ii. **Project Management and Supervision Consultants (PMC and CSC):** MLCIP will contract Project Management Consultant and Supervision Consultants to assist MPWD in project implementation and construction supervision. These workers will be technically qualified professionals and will likely be from outside the state.

iii. **Contracted Consultants:** MPWD will require different types of consultancy services for preparation of DPRs, ESIA studies, IT/ database management, among others. These contracted consultancy firms are expected to deploy multidisciplinary consultants/professionals during project preparation and implementation phase. These contracted consultants (workers) will be technically qualified and will likely be from within and outside the state.

Primary Supply Workers: MLCIP envisages engagement of primary supply workers, especially those engaged in supply of construction material and equipment for roads construction. The engagement of primary supply workers will be confirmed once the project implementation starts, and supply chains are established.

Community Workers: MLCIP envisages hiring community workers for the interventions planned under the project. The workforce requirements will be met through a combination of community and contract workers.

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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. The project will invest in recruitment of key experts in PMU, PMTC, PIUs, and units at the District/Division level. They too will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement. ESS2 will not apply to such workers, except for the provisions of Para 17 to 19 (Protecting the Work Force) and Para 24 to 30 (Occupational Health and Safety) under World Bank ESS-2 on Labor and Working Conditions.

2.2. Labor Risks and Mitigation Measures

| LABOUR RELATED RISKS | PROPOSED MITIGATION |
|---|--|
| <p>OHS Risks during construction works: The key OHS risks during construction works include injuries due to accidents arising out of poor work conditions and unsafe practices e.g., working at heights, injuries due to heavy machinery impacts, transportation of materials and slip, trips and falls due to spills and poor housekeeping in workplaces etc. In addition, exposure to hazardous chemicals and gases e.g., diesel exhausts and paints etc. may also happen.</p> | <p>Safe work practices, usage of engineering controls e.g., using of PPE Kits, isolation of hazardous work areas and administrative controls (e.g., access control, barricading the dangerous areas and work permit systems etc.) are key measures required to be implemented at the sites. Monitoring of compliances, awareness raising and training on OHS also need to be provided to workers prior to commencement of work, consistent with the national/state laws and World Bank Health and Safety (EHS) Guidelines</p> |
| <p>Labor influx: Tentative number of skilled, semi-skilled and unskilled labourers required for the construction works has been estimated. Preliminary assessment indicates that demand for skilled workforce is largely unmet locally and are thus brought in from outside the state, whereas for small and unskilled work, labour is mobilized locally. Labour influx might also increase risks of SEA/SH.</p> | <p>Priority will be to hire local labour to avoid conflicts with the community; hence, risks associated with labour influx for this project are moderate to High. Labour influx may also pose infection risk from the community as well as to the community that also need to be managed through personal hygiene and workplace sanitation and hygienic practices during construction work. Signing and complying with codes of conduct and regular sensitization and trainings will be conducted to mitigate risks.</p> <p>Contractors should prioritize local community workers in consultations with the Village Councils to avoid conflicts.</p> |
| <p>Child & Forced labour: The project will put in place mitigation measures to prevent and prohibit child and forced labour in accordance with Indian laws from getting involved in constructional activities.</p> | <p>Workers below the age of 18 will not be hired to work in sub-projects. To confirm that workers are below the age of 18 years, workers will need to provide legally recognized documents such as Aadhaar or Birth Certificate. The PMU and the supervision consultants shall keep strong vigilance to ensure cessation of such activity.</p> |
| <p>SEA/SH: (a) risks of SEA/SH to community members, particularly women and children by contractors' workers during construction period; (b) risks of workplace SH at all establishments by co-workers under the project.</p> | <p>All employers including contractors will be required to ensure all workers (including those of sub-contractors) sign a code of conduct (CoC) to mitigate the risks of SEA/SH, and workers receive awareness training on SEA/SH related issues. There are some risks associated with community health such as exposure of communities and beneficiaries to communicable diseases, and SEA/SH. These will be managed by creating awareness through awareness and education programme for the worker as well as community on behavioral changes.</p> |

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|---|---|
| Working conditions & worker rights: Non-payment, delayed or unequal wages; denial of benefits (overtime, leave, maternity, bonus); discrimination in hiring/promotion/termination; unclear employment terms; restrictions on organizing; absence of grievance mechanism. | Wages via bank transfer or direct cash payments by 7th of month with signatures on the Wages Register; equal pay for equal work. Comply with BOCW, Maternity Benefit Acts: overtime at 2x rate, paid leave, bonus. Written contracts in local language specifying terms. Follow anti-discrimination policy. Allow worker committees without retaliation. Establish site/camp GRM for all issues; monthly payroll/leave audits, worker feedback surveys. |
|---|---|

3. BRIEF OVERVIEW OF LABOR LEGISLATION

3.1. Regulatory Framework

The Govt of India and Government of Meghalaya labor regulations related to terms and conditions and occupational health and safety (OHS)¹, which are currently in force and applicable are summarized in **Table**

Table 1: Applicable Labour Regulations to MLCIP

| Sl. No. | Applicable Regulations | Stipulations |
|---------|--|--|
| 1 | The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 | The Building and Other Construction Workers (BOCW) Act, 1996, is implemented in Meghalaya to regulate the employment, safety, health, and welfare of construction workers, including those engaged in hill area road construction. The Act mandates fair working conditions, social security benefits, and workplace safety for labourers. |
| 2 | The Workmen Compensation Act, 1923 | The Act is applicable to ensure compensation for workers who suffer injury, disability, or death due to workplace accidents or occupational hazards and diseases. |
| 3 | The Inter-state Migrant Workers Act, 1979 | The Act regulates the employment, conditions of service, and welfare of migrant workers engaged in construction and infrastructure hill area road projects. |
| 4 | The Child Labour (Prohibition & Regulation) Amendment Act, 2016 | The Act aims to eliminate child labour in hazardous occupations while regulating adolescent employment. In Meghalaya, this Act ensures strict enforcement in sectors like road construction, agriculture, and infrastructure development. |
| 5 | The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) | The Act provides a legal framework to prevent and address sexual harassment in workplaces across Meghalaya. It mandates the establishment of Internal Complaints Committees (ICC) in organizations with ten or more employees and Local Complaints Committees (LCC) at the district level to handle cases from smaller workplaces or unorganized sectors. Employers are responsible for creating a safe and respectful work environment through awareness programs, policy implementation, and strict action against offenders. The Act ensures timely grievance redressal, confidentiality, and protection from retaliation for complainants. Non-compliance with its provisions can lead to financial penalties and legal consequences, reinforcing accountability in workplaces across Meghalaya. |
| 6 | The Contract Labour (Regulation & Abolition) Act 1970 | The Act regulates the employment of contract labour and aims to ensure fair working conditions in Meghalaya. It applies to establishments and contractors employing 20 or more contract workers and mandates registration for principal employers and licensing for contractors. The Act ensures that contract |

| Sl. No. | Applicable Regulations | Stipulations |
|---------|--|---|
| | | workers receive wages, working hours, and welfare benefits comparable to direct employees. Employers are responsible for providing essential facilities such as sanitation, drinking water, and medical care. Non-compliance can result in penalties, cancellation of licenses, and legal action, ensuring accountability and worker protection in Meghalaya's labor-intensive sectors. |
| 7 | The Minimum Wages Act, 1948 and Meghalaya Rules, 1952 | Employers must adhere to prescribed wage rates and provide payments in cash or through authorized banking methods. Wages must be disbursed within the stipulated time frame to prevent exploitation and financial hardship. The rules also outline provisions for overtime compensation, working hours, rest periods, and other employment conditions. Any violation, such as underpayment or delayed wages, can lead to penalties and legal action. |
| 8 | The Employees Provident Fund and Miscellaneous Provision Act, 1952 | The Act applies to establishments employing 20 or more workers across various industries, including construction, manufacturing, and services. Under this Act, both employers and employees contribute a percentage of the employee's salary to the Employees' Provident Fund (EPF), ensuring financial security after retirement or in cases of emergencies. The Employees' Provident Fund Organization (EPFO) oversees the implementation and enforcement of the Act in Meghalaya, ensuring compliance with contribution, withdrawal, and pension provisions. Employers failing to comply with the EPF regulations may face penalties, legal action, and fines. The Act plays a crucial role in safeguarding workers' rights and ensuring their long-term financial well-being. |
| 9 | The Maternity Benefit Act, 1961 and Meghalaya Rules, 1965 | This Act and Rules apply to establishments employing 10 or more workers and provides paid maternity leave, job security, and other benefits to women employees before and after childbirth. Under the Act, eligible women are entitled to 26 weeks of paid maternity leave (for the first two children) and 12 weeks for subsequent children. Additional benefits include paid leave for miscarriage or medical complications, nursing breaks, and protection from dismissal during maternity leave. Employers are required to comply with these provisions to ensure the health and well-being of women workers in Meghalaya. Non-compliance can result in penalties and legal action. |
| 10 | The Bonded Labour (Abolition) Act 1976 and Rules, 1976 | The Act and Rules prohibit the practice of bonded labour in all forms and declares any existing bonded labour arrangements null and void. It provides for the identification, release, and rehabilitation of bonded labourers while penalizing those who enforce such labour practices. In Meghalaya, the implementation of this Act is overseen by state labour authorities, ensuring compliance and protection of workers' rights. |

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| Sl. No. | Applicable Regulations | Stipulations |
|---------|---|--|
| 11. | The Equal Remuneration Act, 1976; Employee Compensation Act, 1923; and Personal Injuries (Compensation Insurance) Act, 1963; The Minimum Wages Act, 1948, Payment of Wages Act, Maternity Benefit Act, 1961 | The Act stipulates equal remuneration to men & women workers, prevent discrimination against women in matters of employment, employers to compensate workman's spouse / dependent sons, daughter in case of injury at workplace and mandatory worker insurance by employer against such liability. This prevents gender discrimination in employment and provides for employee welfare, including social assistance against incident/accident. |

1. Additionally, the World Bank Group's Environmental, Health, and Safety (EHS) Guidelines are technical reference documents with general and industry-specific examples of Good International Industry Practice (GIIP). Further, to avoid or minimize community and workers' exposure to Covid-19 and similar outbreaks, relevant Standard Operating Procedures (SOPs) issued by the Government of India (GoI) and Government of Meghalaya (GoA) will be followed. The following international conventions ratified by India will also be applicable: i) *ILO Occupational Safety and Health Convention, 1981 (No. 155)*; ii) *ILO Occupational Health Services Convention, 1985 (No. 161)*; iii) *ILO Safety and Health in Construction Convention, 1988 (No. 167)*; iv) *WHO International Health Regulations, 2005*; v) *WHO Emergency Response Framework, 2017*; and vi) *EU OSH Framework Directive (Directive 89/391)*

3.2. Roles & Responsibilities Related to Labour Management

The overall responsibility of LMP implementation rests with the MPWD. The MPWD will be supported by the Environmental & Social Cell at the PMU level along with environmental and social experts.

Table 2: Responsibilities for LMP

| Key Issues | Direct Workers | Contract Workers | Primary Supply Workers | Community Workers |
|--|---|--|---|-----------------------|
| Hiring and managing individual project workers | PMU | PMU, Contractor /Subcontractor (Project Manager, Site Manager and ESHS Officer) | Not Applicable (Outside the scope of ESS2) | PIU |
| Occupational Health and Safety | Direct workers will follow OHS measures when visiting construction sites) | PMU, Contractor /Subcontractor (Project Manager, Site Manager and ESHS Officer) | Contractors require to identify primary supplier's issues on OHS specially in child labor/forced labor and serious safety risks. PIU shall review it. | PIU and PMU to review |
| Child labor and forced labor and sexual harassment at the workplace | Contract for direct workers does not allow child and forced labor Adequate measures by employers (PMU) to ensure prevention, protection and prohibition of sexual harassment at the workplace. SEA/SH incidents shall be timely reported | PMU, Contractor /Subcontractor (Project Manager, Site Manager and ESHS Officer) Adequate measures to be taken by employers (Contractor) to ensure prevention, protection and prohibition of sexual harassment at the workplace. | Contractor require to identify primary supplier's engagement of child labor/forced labor and sexual exploitation of women. PMU/ CSC and PMC to monitor and review. | PIU and PMU to review |
| Training | WB and MPWD Safeguard Specialists | Contractor /Subcontractor (Site Manager)/ CSC | Not applicable (outside the scope of ESS2) | PIU |

| Key Issues | Direct Workers | Contract Workers | Primary Supply Workers | Community Workers |
|---------------------------------|---|--|--|-------------------|
| Code of conduct | Not applicable (the contract for direct workers will address relevant risks) | Contractor /Subcontractor (SiteManager) | Not applicable (outside the scope of ESS2) | PIU |
| Grievance mechanism | PMU Timely reporting of SEA/SH incidents and periodic review to ensure resolutions | Contractor - reviewed by PIUs and CSC/PMC And project GRM | Project GRM | Project GRM |
| Monitoring and reporting | PMU supported by PMC and CSC | Contractor, CSC/PMC, then report to World Bank | Contractor, PIU, PMU. | PIU and then PMU |

The overall responsibility of LMP implementation rests with the PMU and PIUs, including the following:

- Ensure that civil works contractors comply with these labor management procedures and adhere to occupational health and safety measures.
- Ensure the responsibilities of the contractors are developed in line with the provisions of this LMP and the project's ESMF for OHS and certain environmental protection provisions e.g., hazardous and other wastes and emissions management.
- Monitor to verify that contractors are meeting labour and OHS obligations toward contracted (and sub-contracted) workers, including implementation of LMP.
- Monitor compliance with SEA/SH codes and report any violations.
- Monitor and report incidents and accidents including SEA/SH injuries, illnesses, and accidental spills etc.
- Monitor and implement trainings and drills for all project workers direct and contracted.
- Ensure that the grievance redress mechanism for the project is established and workers are informed of its purpose and access.
- Ensure grievance redress mechanism channels for safely reporting SEA/SH incidents are functional and referral systems in place to provide immediate support (with survivor consent)
- Have a system for regular monitoring and reporting on labor and occupational health and safety performance.
- Have a system for regular review of SEA/SH incidents, process, resolution, and feedback received.
- Monitor implementation of the Code of Conduct applicable to all workers.
- Monitor effective implementation of SEA/SH action plan

The Contractors for civil works will be responsible for the following:

- Complying with the requirements of the national and state legislations, labor management procedures, including those by their sub-contractors.
- Maintaining records of recruitment and employment process of contracted workers.
- Clearly communicating the job description and employment conditions to the workers.
- Employ or appoint qualified environmental, social, occupational health and safety expert(s) to manage ESHS issues. Provide induction and regular training to contract workers on environmental, social and occupational health and safety compliances.
- Having a system for regular review and reporting on labor, OHS, and ESHS performance Report to the PMU on labor welfare and occupational health and safety performance. Setting up Internal Complaints Committees wherever applicable as prescribed under POSH Act.
- Ensure compliance with SEA/SH codes of conduct by labourers and report violations.

The standard clauses for inclusion in civil works contracts will include, (but not limited to):

- The general obligations of the contractor with respect to maintaining the health and safety of the workers.
 - Preparation and implementation of a site-specific Action Plan for managing construction related workplace occupational health and safety
 - Ensuring no child labour and/or forced-bonded labour for any works.
 - Equal pay/wage for men and women labourers, including registration and insurance.
 - All laborers engaged at construction site to be provided with the required Personal Protection Equipment (PPE) and regular health check-ups etc.
 - The construction sites to be provided with adequate barricading and safety signages.
 - Providing health and safety training/orientation on to all workers and staffs.
 - Steps necessary to prevent worker harassment or discrimination, including sexual exploitation and abuse, sexual harassment SEA/SH), gender-based violence (GBV).
-
- Basic facilities at worksites segregated toilets, canteen, drinking water, creche facilities (if required), etc.
 - Establishing Grievance Redress Mechanism (GRM) for workers for any complaint/grievance received from workers and ensuring workers' awareness about GRM with specific reference to reporting SEA/SH incidents.

Training of Worker

Contractor will follow OHS plan prepared for the project for training of workers. The contractors will be encouraged to deploy EHS officers and work supervisors, who have undergone professional training or certified courses in OHS at workplaces from accredited institutions.

4. POLICIES AND PROCEDURES FOR ENSURING WORKERS SAFETY

Policies and Procedures are listed under the following sub-headings:

4.1. Incidents and Accident Reporting

The contractor will promptly notify to MPWD within 24 hours any incident or accident related or having an impact on the Project which has, or is likely to have, a significant /adverse effect on the environment, tangible cultural heritage, the affected communities, the public or workers. Contractor(s) will provide sufficient details regarding the incident or accident using a standard accident/incident report format highlighting its cause, indicating immediate measures taken to address it and prevent future occurrence, including information provided by any contractor and supervising entity. Further, the MPWD will inform the World Bank within stipulated time frame given in the ESCP. Enquiry, medical examination, and compensation for injuries will be determined as per the Employee Compensation Act, 1923. Given that most labor related risks and impacts results from actions of contractors, mitigation measures will be largely implemented by contractors. The MPWD will incorporate General and Specific Conditions into bidding documents and contracts, including measures in relation to SEA/SH prevention and risk mitigation and on codes of conduct, so that contractors are aware of their obligations and are contractually obligated to comply with them.

4.2. Sexual Exploitation and Abuse/ Sexual Harassment (SEA/SH)

Contractor will be committed to preventing sexual exploitation, abuse, and harassment (SEA/SH) aligned with the POSH Act, 2013, POCSO Act 2012 and a zero-tolerance policy must be enforced to protect all workers, particularly women and vulnerable individuals. A confidential grievance redressal system must be established to ensure fair and timely investigations while safeguarding complainants from retaliation. Strong disciplinary actions and legal measures must be upheld to maintain workplace dignity and accountability. SEA/SH related processes will be overseen by the Gender Specialist of ESM Cell and monitored on the ground by the PIU of MPWD.

Majority of the contract workers are anticipated to be men, and women's participation will largely be limited to unskilled and semi-skilled categories. Contractors will maintain harmonious relations with local communities by ensuring that workers adhere to Code of conduct (CoC) prepared as per the Annexure-1 of this document. The CoC commits all persons engaged by the contractor, including sub- contractors and suppliers, to acceptable standards of behaviour. The CoC will include sanctions for non-compliance, including

non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). It will be the contractor's responsibility to ensure that the CoC is written in plain language, including local language, is understandable to both the local and migrant workers and signed by each worker to indicate that they have:

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

To mitigate potential risks related to SEA/SH and GBV, the Contractor/ Sub-contractor will undertake actions as given below:

Table 3: Actions for Contractor for SEA/SH and GBV Risk Mitigation

| Sl. No. | Action | Timelines |
|---------|---|---|
| 1 | Separate, safe, and easily accessible facilities for women and men in the place of work and the Labour camps. (e.g., toilets and washing facilities should be in separate areas, well-lit camp sites, resting place, creches) | Throughout construction period |
| 2 | Display signs that clearly states that SEA/SH of any form is prohibited and punishable under the law. | Throughout construction period |
| 3 | Ensure Codes of Conduct are clearly understood and signed by those at the project site; | Upon induction of each batch of workers |
| 4 | Train project staff on the obligations, compliance and sanctions under the CoC, disseminate information on CoC (including visual illustrations) and involvement of local communities for training and awareness purposes. | Periodic; every six months |
| 5 | Training and awareness of workers on the POSH Act 2013, POCSO Act 2012 and any other related acts and policies. | Periodic; every six months |
| 6 | Constitution of an Internal Complaints Committee, where female workers are employed. | At the start of Construction activity. |

4.3. Occupational Health and Safety (OHS)

The significance of OHS concern for workers and community would increase due to site conditions, workers, or communities' awareness on OHS preventive measures, lack of safety, supervision and monitoring by the contractors and implementing agency. Table below summarizes potential OHS risks and their sources or causes.

Table 4: Potential OHS Risks, Sources/Causes during Project Activities

| Potential OHS Risk | Sources/causes |
|---|---|
| Earth Slips/ Collapse | <ul style="list-style-type: none"> ▪ Earthwork excavation ▪ Slope failure ▪ Landslide |
| Fall, Slips (Men and Material) | <ul style="list-style-type: none"> ▪ Work at Height (bridge, slope protection) ▪ Slips (Watery surfaces due to rain) ▪ Rock fall |
| Health injuries | <ul style="list-style-type: none"> ▪ Hot Mix Plant, Concrete Batching Plant, Crusher sites, and operation of Roller, Graders, Loader, Cranes etc. ▪ Inadequate/poor accommodation, waste management, basic amenities, and hygiene |
| Bulk spillage | <ul style="list-style-type: none"> ▪ Hazardous substance / inflammable liquid storage ▪ Vehicular movement on highway |
| Fire and explosion | <ul style="list-style-type: none"> ▪ Inflammable Storage Areas ▪ Electrical Circuits ▪ Welding / Gas Cutting Activity ▪ Inappropriate handling of gas cylinders and storage Areas |
| Electrical Shock | <ul style="list-style-type: none"> ▪ HT line ▪ LT distribution ▪ Electrically Operated Machines / Equipment / Hand Tools / Electrical Cables |
| Gaseous Leakage | <ul style="list-style-type: none"> ▪ Gas Cylinder Storage Areas ▪ Gas Cylinder used in Gas Cutting / Welding Purposes |
| Accidents due to use of heavy machinery and vehicle movement Vehicles | <ul style="list-style-type: none"> ▪ Roller, Graders, Loader, Cranes, Trucks ▪ Workman Transport Vehicles (cars / scooters / motorcycles / cycles) ▪ Collapse, toppling or collision of transport equipment |
| Other Hazards | <ul style="list-style-type: none"> ▪ Cuts & Wounds ▪ Confined Space (under & inside machinery etc.) ▪ Hot Burns |
| Accidents and injuries | <ul style="list-style-type: none"> ▪ Unprotected work sites at narrow road, bridges and culverts sites, material storage or stockpile locations |

These OHS related risks and impacts arising during implementation will be managed through implementation of the OHS Plan, ESMP and LMP by the contractors. The occupational health and safety of workers during construction will be under the supervision of contractors/ sub-contractors, who will be directly responsible and liable for safety of site equipment, labour and daily workers attending to the construction site and safety of local community for each work site. The requirement for the preparation of an OHS plan by Contractor, as part of C-ESMP will be integrated in the contract documents. The Contractor shall be obligated to include Emergency Response and Management measures in OHS plan that will be part of the C-ESMP.

To manage the OHS risks, the contractor is required to prepare an OHS plan, Water and Waste Management Plan, Worker's camp management plan, Community Health and Safety Plan, Traffic (or road safety) Management Plan, Quarry/borrow Area Management Plan, Site Restoration Plan and establishment of GRM and ICC for Labour among others. All such plans prepared by contractors will be part of C-ESMP (Contractor's Environmental and Social Management Plan) that will be reviewed by PMC and approved by

the MPWD prior to commencement of construction works. The approved C-ESMP will be reviewed periodically and if required updated, to address changed requirements during project implementation.

All Environment, Social, Health, and Safety (ESHS) requirements will be included as special conditions and performance requirements in the contract bid documents. The costs for implementing these requirements will be incorporated in the contract rates, ensuring that contractors can comply fairly. Under no circumstances shall contractors or their sub-contractors use any form of forced or bonded labor or child labour, restrict workers' freedom of movement, retain personal documents, charge recruitment fees, delay in payment of wages, delay in payment of overtime wages, impose excessive fines or physical punishment, or compel workers to perform work against their will.

This will be ensured through (i) inclusion of code of conduct (CoC) in the contract documents; (ii) ESHS performance requirements; (iii) Setting up contractor level GRM for labourers; (iv) setting up of the ICC and (iii) regular monitoring and reporting by the ESMC and overall guidance and directions of Chief Engineer. However, ensuring that all Labour requirements outlined in this LMP are complied with by the contractors (including sub-contractors) will be the responsibility of the MPWD.

5. AGE OF EMPLOYMENT

- The Direct workers will be technically qualified, with the minimum age at the time of hiring being not less than 18 years.
- The age of the personnel deployed by Contractor could be verified by PIU level MPWD office through validation documents like AADHAR Card /Voter Card/Passport/Valid Driving License.
- Under no circumstances, children less than 18 years of age will be engaged for any kind of work and is a prohibited activity as per Gol and State Government norms. The same is in accordance with the Child Labour Prohibition Act, 1986 and Child Labour (Prohibition and Regulation) Amendment Rules 2017 framed there under.
- In case, it is detected by MPWD officials that child Labour is engaged, the contractor will be immediately issued show cause notice for termination of contract and matter will be duly reported to the District Labour officer.

5. TERMS AND CONDITIONS

5.1. Specific Wages

5.1.1. Specific wages of Direct Workers and Conditions of Work

The Direct workers, engaged for the project will be subject specialists and consultancy firms hired for the MPWD, whose salary and other emoluments will be as per the prevailing market rates based on expertise and experience. It would be ensured that all direct workers are provided clear terms of reference and

contracts outlining their roles, responsibilities and conditions of work, emoluments, work hours, leaves, allowances, and notice periods for dissociation/ termination.

5.1.2. Specific wages of Contracted Workers and Conditions of Work

Contractors (including sub-contractors) and other third parties will have to ensure that all workers engaged by them or on their payrolls are provided minimum wages as specified by the State's Minimum wage notifications (as notified from time to time), based on their employment category- skilled, semi- skilled or unskilled, subject to the provisions of Minimum Wages Act, 1948 and all other applicable national/state Labour laws related to wage payment, insurance, employee benefits, provident fund, etc.

The MPWD will ensure that there is no gender discrimination in wages paid to male and female workers and same wages will be paid for equivalent work to all workers in conformity with the provisions of the Equal Remuneration Act, 1976. The working hours for direct and contracted workers will not be more than standard working hours per day. Any contracted workers, made to work more than the same will be entitled to overtime rates of wages in accordance with the Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Rules, 2008 and subject to willingness of the worker to work for those additional hours and only in special circumstances. Some of these requirements are:

- No worker will be required or allowed to work continuously for more than five hours unless he has had an interval of rest of not less than half an hour.
- The working day of workers will be so arranged that inclusive of the intervals of rest, if any, will not spread over more than twelve hours on any day
- Every worker will be allowed a day to rest every week, which will ordinarily be Sunday, but the contractor will fix any other day of week as the rest day, in consultation with the workers or any association/ union negotiating on their behalf
- No worker will be made to work on any day, which has been notified by Central or State Government in the official Gazette as a National Holiday.
- All categories of contract workers particularly unskilled workers can be directly engaged by the contractor or sourced through Labour contractors. In such cases, the Labour contractor shall have valid registration with the competent authority in Assam. However, it will be the responsibility of the Principal Contractor to ensure that all committed Labour provisions are in place and are being adhered to in accordance with the national laws and the requirements of the ESS2 as outlined in this LMP.

6. GRIEVANCE MECHANISM

A Grievance Redressal Mechanism is a system that allows not only grievances, but also queries, suggestions, positive feedback, and concerns of project-affected parties related to the environmental and social performance of a project to be submitted and responded to in a timely manner. The main objective of a GM is to assist to resolve complaints and grievances in a timely, effective, and efficient manner that satisfies all parties involved.

Effective grievance redressal mechanisms ensure good governance, accountability, and transparency in managing and mitigating the environmental and social issues of a particular project. This consists of defining the process for recording/receiving complaints and their redressal in respect of environmental and social matters.

An integrated system will be established with Grievance Redressal Cells (GRCs), with necessary officers, officials, and systems at MIDFC (PMU). Grievances, if any, may be submitted through various mediums, including in person, in written form to a noted address, e-mail, or through direct calls to concerned official/s. The Social and Environmental Expert within PMU shall be responsible for coordination of grievance/complaints received.

The grievance redress mechanism should be in place at the time of initiating the implementation of R&RAP and civil construction activities in the project area. A platform for grievance redressal should be organized and its regular meetings may be conducted so as to allow people to put forth their grievances. It will help the appropriate authority to find solutions and amicably address the issues. The project, apart from web-based mechanism, will have a two-tier grievance redressal mechanism, i.e., (1) at the project site level, (2) State level (PMU level) .

Web-based grievance mechanism: MIDFC website will include a link where affected person(s) can register their complaints online. A telephone number will also be on the website of MIDFC and the project sites, so that the general public can register their complaint with the PMU office. In case of grievances received through a toll-free number or web-based system, a person should be made in-charge of screening and resolution of the same/communicating with the concerned divisions for resolution of the same. The person in-charge, based on the nature of the complaint, should forward the same to the concerned official. A ticket or a unique number will be generated for all such complaints. The complainant should follow up based on that unique number. All calls and messages should be responded to within 15 days. If a response is not received within 15 days, the complaint should be escalated to the Project Director.

Tier I: Under this project, the local Village Employment Councils (VECs) and community-level organizations will function as nodal point for the first-tier grievance redress mechanism. The local Headman will serve as the focal point responsible for receiving, documenting, and addressing complaints and feedback from stakeholders.

The Tier I Grievance Redress Cell shall operate under the Chairmanship of the Village Head or any representative nominated by the Village Councils and will include the Resident Engineer (representing the Engineer), Environmental and Social (E&S) Experts of Construction Supervision Consultant (CSC), Environmental and Social Officers from the Divisional Project Implementation Unit (DPIU), representatives from relevant line departments, and representatives from local institutions.

Upon receipt of a grievance, the focal point shall review and assess the complaint for resolution at the local level. If the grievance or dispute cannot be satisfactorily resolved at the project level within fifteen (15) days from the date of submission, the matter shall be escalated to the Project Management Unit (PMU)/ State Level for further review and mediation.

Tier II: If the aggrieved person is not satisfied with the decision of the site-level Grievance Cell, the grievance may be escalated to the PMU/State-level Grievance Redress Cell (Tier II). The Tier II Cell shall be chaired by the Secretary, Department of Planning, and shall include the Chief Engineer, Project Director, and Social Development Expert of the PIU as members. The State-level Grievance Redress Cell shall review the case and provide its decision or recommendations within fifteen (15) days of receiving the grievance.

If the aggrieved person is not satisfied with the decision of the State-level Grievance Cell, they shall have the right to seek redress through the judiciary. The Project Proponent shall extend all necessary assistance and support to the aggrieved person in pursuing the matter before the judicial authorities.

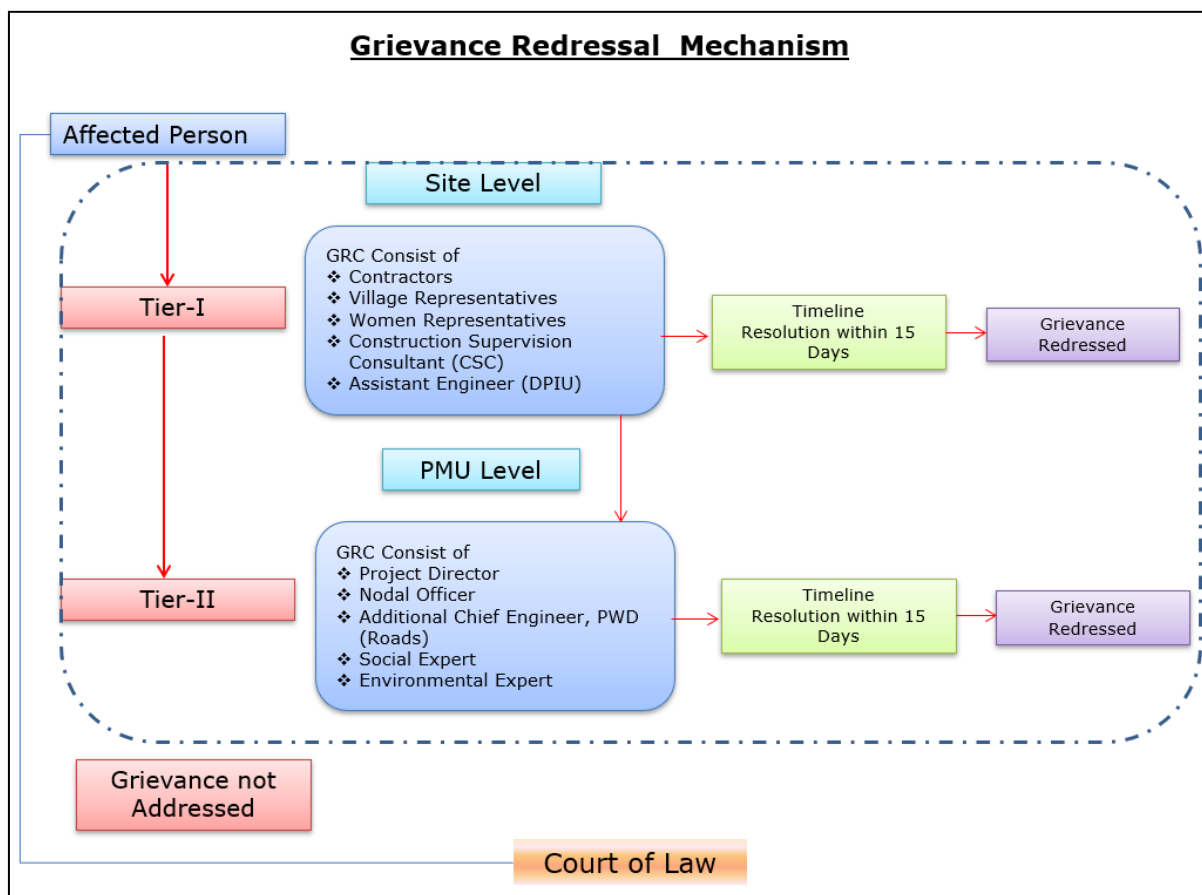
Grievance Redressal Mechanism (GRM) Flowchart

The following flowchart illustrates the Two-Tier grievance redressal mechanism with responsibilities and timelines for resolution.

| | |
|-----------------------------------|--|
| Tier I: Project Site Level | Responsibility: Village Head/Representative of the Village |
|-----------------------------------|--|

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| | |
|-----------------------------------|---|
| | <p>Council</p> <p>Timeline: Resolution within 15 days</p> <p>If unresolved → Escalate to PMU (Tier II)</p> |
| Tier II: State Level (PMU) | <p>Responsibility: Secretary Planning, Chief Engineer, Project Director, Social Expert</p> <p>Timeline: Resolution within 15 days</p> |



7. Annexures

Annexure 1: Template For Code of Conduct

| Sr. No | Code of Conduct | Description |
|--------|--|--|
| 1 | Punctuality and Attendance | Workers are expected to arrive on time for work and maintain regular attendance as per the agreed-upon schedule. |
| 2 | Professionalism | Workers must always conduct themselves in a professional manner, including dressing appropriately, communicating respectfully, wearing PPE and adhering to company policies and procedures. |
| 3 | Workplace Safety | Workers should prioritize their safety and the safety of others by following all safety protocols, using Personal protective equipment as required, and reporting any hazards or incidents promptly. |
| 4 | Respect for Colleagues and Sexual harassment is strictly prohibited | Workers are expected to treat their colleagues with respect, dignity, and fairness, regardless of differences in role, background, or opinion. Bullying, harassment, discrimination, or any form of disrespectful behaviour will not be tolerated. Sexual harassment is strictly prohibited and may lead to legal actions. |
| 5 | Confidentiality | Workers must respect the confidentiality of company/Firms' information, customer data, and any other sensitive information they may have access to during the course of their work. |
| 6 | Compliance with Laws and Regulations | Workers are required to comply with all applicable laws, regulations, and industry standards relevant to their work, including but not limited to labour laws, health and safety regulations, and environmental protection laws. |
| 7 | Conflict of Interest | Workers should avoid situations where their personal interests' conflict with the interests of the company. If such conflicts arise, they must disclose them promptly to the appropriate authority. |
| 8 | Use of Company Resources | Workers should use company resources, including equipment, facilities, and funds, responsibly and only for authorized purposes. Personal use of company resources is prohibited and can use in accordance with company policies. |
| 9 | Reporting Violations | Workers are encouraged to report any violations of this code of conduct or any unethical behaviour they observe to the appropriate authority without fear of retaliation. |

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| | | |
|----|-------------------------------|--|
| 10 | Continuous Improvement | Workers should strive for continuous improvement in their skills, knowledge, and performance to contribute positively to the company's goals and objectives. |
|----|-------------------------------|--|

Annexure 2: Process For Addressing Grievances

| Stage | Description | Actions | Timeframe |
|-------|---------------------------|---|---|
| 1 | Submission of Grievance | Workers submits grievance in writing or verbally to the designated authority. | Within 24 hours of occurrence of grievance. |
| 2 | Receipt Acknowledgement | The designated authority acknowledges receipt of the grievance. | Within 48 hours of receipt of grievance. |
| 3 | Investigation | The designated authority investigates the grievance thoroughly. | Within 3 days of receipt of grievance. |
| 4 | Resolution | The designated authority proposes a solution and communicates it to the labour. | Within 7 days of receipt of grievance. |
| 5 | Appeal Process | If the worker is unsatisfied with the resolution, they can appeal to a higher authority. | Within 3 days of receiving the resolution. |
| 6 | Review and Final Decision | The higher authority reviews the appeal and makes a final decision. | Within 7 days of receiving the appeal. |
| 7 | Implementation | If the decision favors the worker(s), the designated authority implements the resolution. | Within 7 days of the final decision. |
| 8 | Feedback | The labour provides feedback on the resolution process. | Within 7 days of implementation. |

Annexure 3: Guidance for Reporting Incidents and Accidents

Guidance on Reporting of Incidents/accidents by the PIU of the project.

In case of incidents and accidents, the Project Implementation Unit (PIU) will notify the PMU / E S Cell within 24 hours after learning of the incident or accident. The submission of the subsequent report would be provided in a time frame acceptable to the PMU and or as requested. The PIU will provide sufficient details about the incident or accident, indicating the immediate measures taken to address it, including information provided by any contractor and supervisory entity, as appropriate. Subsequently, at the PMU's request, the PIU will prepare more detailed report (s) on the incident or accident, where it will propose measures to prevent it from happening again. See annex A, format for reporting incident and accident.

These subsequent reports, among others, can be:

1. Root Cause Analysis (RCA). The main objective of the RCA is Prevention and it will be carried out by whoever is managing the site where the incident / accident occurred, for example grant, contractor, subcontractor, etc. The RCA will address the following:

A. Determine what happened by identifying and describing the incident / accident. Include photos.

I. What happened? Who was affected?

II. Where and when it happened.

III. What is the source of the information? How did you find out about the incident/ accident?

IV. Are the basic facts of the incident / accident clear and indisputable, or are there contradictory versions?

V. What were the conditions or circumstances under which the incident / accident occurred? Is the incident ongoing or contained?

VI. Is it a loss of life / s or serious damage? How serious was the incident?

B. Determine the root cause (RCA) of the incident / accident

I. Understand and document the root cause (s) of the incident, which may be due to the following factors:

1) Labour Procedures

2) Equipment and technology

3) Organizational / systemic

4) Human factors.

II. The RCA should be based on existing country processes, where available. It is only in the absence of systems or weak experience that consultants (national or international) need to be recruited to undertake the RCA.

III. The PMU is responsible for funding the preparation of the RCA from project funds or other own resources. RCA should be completed as soon as possible, ideally within 101 days.

IV. Findings of RCA will inform measures to be included in Corrective Action Plan (CAP)

V. Provide complete information about the incident to the Bank and facilitate site visit(s)

C. Identify immediate corrective measures, as well as additional follow-up actions if any are required, with their associated deadlines. These additional follow-up actions may enter the

2. The CAP and with the aim of preventing similar incidents / accidents in the future. The CAP will have, among other elements, those indicated in Annex C.

3. Any subsequent report would be provided within a time acceptable to the PMU/Employer.

1 While an RCA per se is not mandatory, especially in cases where information is clear and readily available., it is nonetheless essential that the Employer and Contractor understand very well the underlying cause(s) of the incident, to agree on measures to prevent recurrences

INCIDENT / ACCIDENT REPORTING SHEET

| INCIDENT / ACCIDENT REPORT FORM | | |
|--|--|---|
| Project name : | | |
| Event -Incident / Accident #: | | |
| Date: | Time: | |
| Place of occurrence: | | |
| Incident / accident Information Source: | | |
| INCIDENT / ACCIDENT DESCRIPTION | | |
| Event Severity Level | Weather condition | How the event relates to the Project |
| <input type="checkbox"/> Minor | <input type="checkbox"/> Sunny | Linked with the project/Not linked with the project |
| <input type="checkbox"/> Serious | <input type="checkbox"/> Cloudy | |
| <input type="checkbox"/> Severe/Fatal | <input type="checkbox"/> Rainy | |
| | <input type="checkbox"/> Night | |
| | Other (explain) | |
| Scope of the Incident / Accident | | |
| <input type="checkbox"/> Environmental <input type="checkbox"/> Social <input type="checkbox"/> Occupational Health and Safety | | |
| Detailed Description of the Incident / Accident Event: | | |
| | | |
| RESPONSE ACTIONS FOR THE INCIDENT / Accident: | | |
| | | |
| Status of resolution | Urgency of Response | |
| <input type="checkbox"/> Resolved | <input type="checkbox"/> Need for immediate response | |
| <input type="checkbox"/> In progress | <input type="checkbox"/> No immediate response | |
| <input type="checkbox"/> Other (explain) | | |
| Description of Response to Event - Incident / Accident | | |
| | | |
| Recurrence of Similar Events / Incidents / Accidents: YES/NO | | |
| In case of recurrence, indicate the period in which the events were repeated: | | |
| | | |
| IMPACT ON THE PROJECT | | |
| Does the event affect the execution of the work? | Is there a need for additional specialized resources to investigate, evaluate, or resolve the event? | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | |
| <input type="checkbox"/> NO | <input type="checkbox"/> No | |
| | <input type="checkbox"/> Other (Explain) | |
| <div style="display: flex; justify-content: space-between;"> Contractor's EHS officer CSC </div> | | |

Annex B: Incident Classification Guide

| Minor |
|--|
| A minor incident with limited effects that may escalate to serious if repeated, more harmful, or left uncorrected. |
| Serious |
| An incident causing significant or lasting harm to people, environment, or resources, often complex to reverse, including serious injuries, repeated non-compliance, or medium-scale damage, requiring urgent response |
| Severe/Fatal |
| A severe incident involves serious non-compliance causing major, often irreversible harm for example, fatalities, large-scale deforestation, major contamination, forced or child labor, human rights abuses, violent protests, or wildlife trafficking. |

Format for Corrective Action Plan

| Date of incident/accident | Type | Actions/Measures taken | Responsible Parties | Compliance Date | Compliance Status |
|---------------------------|------|------------------------|---------------------|-----------------|-------------------|
| | | | | | |
| | | | | | |

Annexure 4: Good Practice Guidelines for Internal Complaint Processes

Addressing employee complaints about discrimination and harassment quickly and fairly is good for business because it can:

- identify ways to improve workplace practices and policies
- improve staff morale, productivity and retention
- help avoid complaints to external agencies and/or legal action.

Under National Labour laws and ESS 2 of World Bank ESF, if an employer wants to argue that the organization should not be held liable for any discrimination or harassment by one of its employees, the employer will need to demonstrate that the organization took 'reasonable precautions and exercised due diligence' or took 'all reasonable steps' to prevent the discrimination or harassment. While the size of the employer is relevant to these considerations, an important factor that is likely to be considered is whether the organization has an effective complaint handling procedure.

Employers can establish a specific procedure for discrimination and harassment complaints or use the procedure already in place for other types of complaints. However, it is important to note that discrimination and harassment complaints can be complex, sensitive and may potentially involve external agencies, such as the Commission. Therefore, it is vital that those responsible for dealing with internal complaints have the appropriate expertise and receive relevant training.

A good complaint process will include provisions to:

- i. protect employees from being victimized because they have made a complaint
- ii. protect employees from vexatious and malicious complaints
- iii. ensure appropriate confidential records are kept about complaints and that this information is stored and managed appropriately.

Stages in a complaint process

1. Initial contact point

An organization discrimination and harassment policy should explain how to make a complaint and, identify an initial contact person. In larger organization, the contact person may be an Equal Head of Human Resources Department. In smaller organization, this person may be a line manager or supervisor. The contact person should not be the same person who is responsible for investigating or making decisions about a complaint.

The contact person should:

- be available to listen to an employee's concerns about discrimination or harassment
- not form a view of the merit of any allegations
- provide information about the internal complaint process
- advise the person that in some situations where serious allegations are raised – for example, allegations that may expose the organization to legal liability – the issue may need to be reported to management and dealt with as a formal complaint
- where appropriate, provide support for a person if he or she wants to try and resolve the issue personally
- provide information about available support services, for example, workplace counselling services
- outline other options available to the person, such as lodging a complaint of discrimination or harassment with an external agency.

2. Early resolution

In some situations, it may be appropriate to consider early resolution of an initial complaint without undertaking an assessment of its merit. This approach may be useful where:

- the complainant indicates a desire to sit down and discuss the matter with the respondent informally and this seems appropriate in the circumstances
- the information on hand supports a view that the complaint has arisen from a misunderstanding or miscommunication
- the behavior being complained about is not serious and does not appear to be discrimination or harassment, as defined by the organization's policy.

Early resolution may involve:

- a direct private discussion between the complainant and the respondent
- an impartial third person conveying information between those involved
- an impartial third person helping those involved to talk to each other and find a solution.

3. Formal resolution

If a person wants to proceed with a formal complaint about discrimination or harassment, or if this is considered to be the most appropriate course of action, the following steps are recommended.

a. Obtain information from the complainant

The person handling the complaint (the complaint officer) should:

- provide information about the complaint process, potential outcomes, options for

assistance/support and protections from victimization

- ensure the allegations are documented, either by the complainant or the complaint officer
- explain that the process is confidential, what this means and why it is important
- explain what records of the complaint will be kept, for how long and where
- explain the action that may be taken if the complaint is found to be vexatious or malicious
- ask the complainant to provide relevant documents or details of witnesses that may support the allegations.

Where there is a concern about supporting information being destroyed or compromised, the complaint officer should try to obtain this information before taking any further action.

b. Advise the respondent about the complaint

The complaint officer should:

- advise the respondent that a complaint has been made against him or her and provide as much information as possible about the allegations and supporting information (where applicable)
- confirm that he or she will be given the opportunity to respond to the allegations in writing or through an interview
- provide information about the complaint process, potential outcomes and options for assistance/support
- explain that the process is confidential, what this means and why it is important
- explain what records of the complaints will be kept, for how long and where
- explain that it is unacceptable to victimize someone who has made a complaint.

c. Assess the information

If the respondent confirms that he or she did what is alleged to have occurred, and if this behavior would be considered discrimination or harassment as defined in the organization policy, the next step is to consider an appropriate outcome (see below). It is recommended that the respondent is provided with the opportunity to comment on any proposed decision and outcome before a final decision is made.

If there is disagreement about what happened, the complaint officer should consider whether there is other information that will help to determine what happened. It is generally understood that the person making the decision should be satisfied that it is 'more probable than not' that what is alleged to have happened did happen.

Given the nature of discrimination and harassment, there may often be no direct witnesses or documents to support the complainant's version of events. This does not mean that the

allegation is untrue. In these situations, the complainant should be given the opportunity to comment on the information that has been provided by the respondent and to provide any other information to support his or her allegations before a final decision is made.

4. Outcomes from the process

a. Where the allegations are admitted or substantiated

Outcomes for the respondent may include:

- disciplinary counselling
- an official warning
- a requirement to attend discrimination and harassment awareness training
- a requirement to provide a formal apology to the complainant
- disciplinary action (e.g. demotion, transfer, suspension, probation or dismissal)
- participation in mediation to restore relationships in the workplace.

Outcomes for the complainant may include:

- re-crediting of any leave taken as a result of the discrimination or harassment
- supportive counselling
- a change in the work environment, as requested, for example, a change in work teams or location
- participation in mediation to restore relationships in the workplace.

It is important that the complainant is provided with general information about the outcome of a complaint, as this may affect their decision to pursue the matter with an external agency. The level of detail provided should be balanced against the need to respect the privacy of the respondent.

b. Where the allegations are not admitted or substantiated

Where allegations have not been admitted or substantiated, it may still be appropriate for the employer to take some action as a result of the complaint. For example, it may be appropriate to:

- provide refresher training for all staff regarding appropriate workplace behaviour, and/or
- re-issue the discrimination and harassment policy or code of conduct to all employees.

If such action is taken, it is important that it is not done in a way which could be seen as singling out or punishing the respondent, especially where there has been no finding that he or she has breached the organization policy or code of conduct.

Format for Complaint Record (GRM/ICC)

| Field | Description |
|-------------------------------------|---|
| Complaint ID: | Unique identifier for the complaint. |
| Date Received: | Date the complaint was officially received. |
| Complainant Name: | Name of the individual or entity lodging the complaint. |
| Contact Information: | Complainant's contact details. |
| Nature of Complaint: | A detailed description of the issue. |
| Date of Incident: | The date the incident occurred. |
| Respondent(s): | Individual(s) or department(s) the complaint is about. |
| Alleged Wrongdoing: | Specific details of the misconduct or issue. |
| Desired Outcome: | What the complainant is seeking as a resolution. |
| Date of Acknowledgement: | Date the acknowledgement was sent. |
| Date of Investigation: | Dates of the investigative activities. |
| Investigation Findings: | Summary of the investigation's conclusions. |
| Resolution: | The outcome of the complaint resolution. |
| Action Taken: | Specific steps taken to address the complaint. |
| Date of Closure: | Date the complaint was officially closed. |
| Investigator/Decision Maker: | Name of the assigned officer(s). |
| Notes/Other Details: | Any other relevant information. |

Annexure 5: Labour Compliance Quarterly Reporting Format

1CHECKLIST FOR TRACKING LABOUR-RELATED ISSUES

| | I. PROJECT DATA | |
|-----|---|--|
| 1.1 | Name of Project | |
| 1.2 | Duration | |
| 1.3 | Start Date | |
| 1.4 | Estimated Completion Date | |
| 1.5 | Location | |
| 1.6 | Name and Contact Information (email/phone) of Contractor | |
| 1.7 | Name and Contact Information (email/phone) of all sub-Contractors | |
| 1.8 | Type of activities (project description) | |

| II. LABOUR PROFILE | | | | | | | |
|---|-------------------|------------------|---------------------|---------------------|------------------|---------------------|--------------|
| This data is to be collected for each individual labourer working on the project, including temporary labour, labour hired through sub-contractors or labour contractors / groups | | | | | | | |
| | MALE (nos) | | | FEMALE (nos) | | | |
| Source Of Labour | <i>Skilled</i> | <i>Unskilled</i> | <i>Semi-skilled</i> | <i>Skilled</i> | <i>Unskilled</i> | <i>Semi-skilled</i> | <i>Total</i> |
| Contractor | | | | | | | |
| Sub – Contractor | | | | | | | |
| Local Labourers | | | | | | | |
| Migrant Labourers | | | | | | | |

| | III. WAGES | | | |
|-----|--|----------------|---------------------|------------------|
| 3.1 | Amount of wages paid (men) | <i>Skilled</i> | <i>Semi-skilled</i> | <i>Unskilled</i> |
| | | | | |
| 3.2 | Amount of wages paid (women) | <i>Skilled</i> | <i>Semi-skilled</i> | <i>Unskilled</i> |
| | | | | |
| 3.3 | Rate of wages below, equal to or more than Minimum Wage? | | | |
| 3.4 | Frequency of payment (daily/weekly/monthly) | | | |
| 3.5 | Deductions made, if any (with details) | | | |
| 3.6 | Mode of Payment (cash / Bank transfer / cheques) | | | |
| 3.7 | Is overtime paid, and if so, at what rate? | | | |
| 3.8 | Is Overtime Register maintained at work-spot as per Form IV of Minimum Wages Central Rules | | | |
| 3.9 | Is Muster maintained at work-spot as per Form V of Minimum Wages Central Rules | | | |

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| | | |
|------|---|--|
| 3.10 | Is Register of Wages maintained at work-spot as per Form X of Minimum Wages Central Rules | |
| 3.11 | Is Labour provided with Wage Slip as per Form XI of Minimum Wages Central Rules | |
| 3.12 | How many hours is the working day? | |
| 3.13 | How many leaves in a week does the labour get? | |

IV. MAINTENANCE OF OTHER LABOUR RECORDS

| | | |
|-----|---|--|
| 4.1 | Is a copy of photo ID of each labourer kept with the employer? | |
| 4.2 | Is verification of qualifications / experience for all semi-skilled and skilled labour done? If so, by which documents? | |
| 4.3 | Is contact information of labour's next- of-kin kept for each labourer? | |
| 4.4 | How many labourers have been employed from State Employment Exchange? | |

V. FACILITIES

| 5.1 | Details of labour camps | Number | Permanent/Temp | Location | Distance from nearest village/habitation |
|------|--|--------|----------------|----------|--|
| | | 1... | | | |
| | | 2... | | | |
| 5.2 | Type of housing in labour camp on leased land (temporary shelters / kuchha /pukka) | | | | |
| 5.3 | Is there any housing on public land like roadsides, open fields and other spaces? | | | | |
| 5.4 | Is there any housing in rented accommodation in residential areas? If so, who is it rented by? | | | | |
| 5.5 | How many labourers have families on/near worksite? | | | | |
| 5.6 | Is drinking water available on site and at the campsite? | | | | |
| 5.7 | Are latrines and urinals provided on site and at the campsite? | | | | |
| 5.8 | Are First Aid facilities provided on site? | | | | |
| 5.9 | Does a doctor visit the worksite / campsite regularly? | | | | |
| 5.10 | Is there a tie-up with a hospital or dispensary near the worksite / campsite | | | | |

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| | | |
|------|--|--|
| 5.11 | Is woolen clothing/rainwear provided? | |
| 5.12 | Is there a provision for a crèche/nursery? | |
| 5.13 | Is there a facility for cooking / canteen facility for all labour? | |
| 5.14 | Are leisure activities / facilities available for all labour | |

| VI. FACILITIES | | |
|----------------|---|--|
| 5.15 | Is transport to and from the worksite provided to labour? | |
| | Is there a mechanism in place for addressing grievances within the workplace? | |

| VII. SUPERVISION BY LABOUR OFFICIALS | | |
|--------------------------------------|---|--|
| 6.1 | Has the worksite / campsite been inspected by a labour official? | |
| 6.2 | How many times has the worksite / campsite been inspected by a labour official since commencement of work? | |
| 6.3 | What documents were inspected by labour officials? | |
| 6.4 | What documents were maintained and which ones were not? | |
| 6.5 | What directions were given by labour officials? | |
| 6.6 | What is the mode of compliance with such directions? | |
| 6.7 | Are you facing any legal proceedings on labour issues in Labour Court/ Commissioner for Employees' Compensation/ Other? | |

| VIII. STATUTORY DISPLAY | | |
|-------------------------|---|--|
| 7.1 | Display of the abstract of relevant Labour Laws | |
| 7.1.2 | BOCW Act, 1996 (Yes/No) | |
| 7.1.3 | The Contract Labour Act, 1970 (Yes/No) | |
| 7.1.4 | The Payment of wages Act, 1936 (Yes/No) | |
| 7.1.5 | Payment of Gratuity Act, 1972 (Yes/No) | |
| 7.1.6 | Employee Compensation Act, 1923 (Yes/No) | |
| 7.1.7 | The Maternity Benefit Act, 1961 (Yes/No) | |
| 7.1.8 | The Minimum Wages Act, 1948 (Yes/No) | |
| 7.2 | The rate of wages of employees, Category of Workers, working Hours, Weekly Rest, date of Payment of Wages, Date of unpaid wages, Name & Contract details of the Labour Inspectors (local) at the workplace. (Yes/No) | |
| 7.3 | The Code-of Conduct of workers | |
| 7.4 | Display of notice of Child and Adolescent Labour under Child Labour (Prohibition and Regulation) Amendment Act, 2016 (Yes/No) | |
| 7.5 | Display ICC under POSH Act, 2013 (Yes/No) | |
| 7.6 | Display of Emergency Telephone Nos (Yes/No) | |

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| 7.7 | Display of Hazards (Yes/No) | |
| 7.8 | Signage's of referral path way of emergency exit plan and other remarkable points e.g.- Assembly area, entry path, exit path, Store, Site Office, Labour Camp, Kitchen, Assembly area, Dinning etc., Code of Conduct (Yes/No) | |
| 7.9 | Display Health & Safety Signage (Yes/No) | |
| 7.10 | Display of Grievance Redressal Committee (Yes/No) | |

| IX. ACCIDENTS/ EMERGENCIES, AND INCIDENTS | | |
|--|--|--|
| 8.1 | What is the nature of accidents / emergencies usually occurring at a worksite like yours? | |
| 8.2 | Is a functioning First Aid available at the campsite / worksite? | |
| 8.3 | Is functioning fire-fighting equipment available at the campsite / worksite? | |
| 8.4 | Which is the nearest doctor / clinic / dispensary? | |
| 8.5 | Which is the nearest hospital? | |
| 8.6 | Which is the nearest Police Station? | |
| 8.7 | Are details of nearest doctor / clinic / dispensary / hospital / Police station available and prominently displayed at worksite / campsite? | |
| 8.8 | What is the system of informing next of kin? | |
| 8.9 | Do you have ESI / ECA coverage? | |
| 8.10 | What is your familiarity with accident reporting procedures? | |
| 8.11 | What is your familiarity with police reporting procedures? | |
| 8.12 | Has an Internal Complaints Committee been constituted and other appropriate measures undertaken at the workplace as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013? If yes, Which Date and the Composition. | |

| X. HEALTH AND SAFETY | | |
|-----------------------------|---|--|
| 9.1 | Have you established a Safety Committee at workplace? | |
| 9.2 | Have you appointed Safety Officer at workplace? | |
| 9.3 | Have you developed a Health and Safety Policy tailored specifically for the project? | |
| 9.4 | Have you completed the Hazard Identification and Risk Analysis (HIRA) on your side? | |
| 9.5 | Are you implementing measures for fire safety at the workplace, including the installation of fire extinguishers? | |
| 9.6 | Is a functioning First Aid available at the campsite / worksite? | |
| 9.7 | Have you provided a sufficient amount of personal protective equipment to all employees? | |
| 9.8 | Have you conducted a safety audit at the site? | |
| 9.9 | Have you created a comprehensive plan for responding to emergencies and ensuring preparedness? | |
| 9.10 | Have you placed warning indicators and safety barriers at the workplace? | |

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|------|---|--|
| 9.11 | Are you taking steps to maintain the secure and orderly arrangement of construction materials at the sites? | |
| 9.12 | What procedures are followed to inform the authorities regarding an accident or incident? | |
| 9.13 | Do you provide safety training to the workers? | |
| 9.14 | Have you carried out a mock drill in relation to emergency procedures? | |