

Appendix 2: Labor Management Procedures

KINGDOM OF CAMBODIA

Nation Religion King

Ministry of Water Resources and
Meteorology

Ministry of Agriculture, Forestry, and
Fisheries



CAMBODIA WATER SECURITY IMPROVEMENT PROJECT (P176615) **LABOR MANAGEMENT PROCEDURES**

DRAFT FOR CONSULTATION

September 8, 2023

Prepared by the Ministry of Water Resource and Meteorology and
Ministry of Agriculture, Forestry, and Fisheries

Table of Contents

| | |
|---|----|
| LIST OF TABLES | 3 |
| ABBREVIATIONS..... | IV |
| EXECUTIVE SUMMARY | |
| 1. INTRODUCTION | 1 |
| 1.1 PROJECT OVERVIEW | 1 |
| 1.2 PROJECT DEVELOPMENT OBJECTIVE AND PROJECT COMPONENTS | 1 |
| 1.3 PURPOSE OF LABOR MANAGEMENT PROCEDURES | 1 |
| 2. OVERVIEW ON LABOR USE UNDER THE PROJECT | 1 |
| 2.1 TYPE OF WORKERS..... | 1 |
| 2.2 DIRECT WORKERS | 2 |
| 2.3 CONTRACTED WORKERS | 2 |
| 2.4 PRIMARY SUPPLY WORKERS | 2 |
| 2.5 COMMUNITY WORKERS..... | 2 |
| 2.6 OTHER STAKEHOLDERS WORKING IN CONNECTION WITH THE PROJECT | 2 |
| 2.7 ESTIMATED NUMBER OF WORKERS..... | 2 |
| 3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS..... | 4 |
| 3.1 PROJECT ACTIVITIES | 4 |
| 3.2 KEY LABOR RISKS | 4 |
| 4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS..... | 7 |
| 5. BRIEF OVERVIEW OF OCCUPATION HEALTH & SAFETY LEGISLATION | 9 |
| 6. RESPONSIBLE STAFF..... | 10 |
| 6.1 RESPONSIBILITIES OF MOWRAM AND MOWRAM PMU..... | 10 |
| 6.2 RESPONSIBILITIES OF PMU’S CONTRACTORS | 10 |
| 7. POLICIES AND PROCEDURES..... | 12 |
| 8. AGE OF EMPLOYMENT | 14 |
| 9. TERMS AND CONDITIONS..... | 14 |
| 10. GRIEVANCE REDRESS MECHANISM | 15 |
| 10.1 PRINCIPLES FOR LABOR RELATED GRM | 15 |
| 10.2 GRIEVANCE REDRESS PROCEDURE FOR PROJECT WORKERS..... | 16 |
| 10.2 GRIEVANCE REDRESS PROCEDURE FOR SEA/SH..... | 17 |
| 11. CONTRACTOR MANAGEMENT..... | 18 |
| 11.1 CONTRACTOR SELECTION | 18 |
| 11.2 PROJECT PERFORMANCE | 18 |
| 12. PRIMARY SUPPLY WORKERS..... | 20 |

List of Tables

| | |
|---|---|
| Table 1 – Summary of Types and Estimated Number of Project Workers (Project Life) | 3 |
| Table 3 – Key issues of the 1997 Labor Law | 8 |

Abbreviations

| | |
|----------|--|
| COVID-19 | Corona Virus Infection Disease 19 |
| ESF | Environmental and Social Framework |
| ESS | Environmental and Social Standard |
| GDR | General Department of Resettlement |
| HIV/AIDS | Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome |
| IRC-WG | Inter-Ministerial Resettlement Committee Working Group |
| LMP | Labor Management Procedures |
| MAFF | Ministry of Agriculture, Forestry, and Fisheries |
| MEF | Ministry of Economy and Finance |
| MoWRAM | Ministry of Water Resource and Meteorology |
| MWS | Mekong Water Solutions |
| NGO | Non-Governmental Organization |
| OHS | Occupational Health and Safety |
| PDWRAM | Provincial Department of Water Resource and Meteorology |
| PRSC | Provincial Resettlement Sub-Committee |
| RGC | Royal Government of Cambodia |
| SEA | Sexual Exploitation and Abuse |
| SEO | Social and Environmental Office |
| SEP | Stakeholder Engagement Plan |
| SH | Sexual Harassment |
| VAC | Violence Against Children |
| WB | World Bank |

EXECUTIVE SUMMARY

1. THE PURPOSE OF LABOR MANAGEMENT PROCEDURES

The purpose of the LMP is to identify the types of labor that are potentially involved in project implementation, such as directed workers, contracted workers, primary supply workers. The project's labor risks and potential impacts are identified, evaluated, and mitigating measures are suggested based on the types of labor that have been identified as well as the scope and nature of the work that will be performed. As part of mitigation measures, LMP will describe a grievance redress procedure in order to give aggrieved persons a convenient way to voice their complaints and have those complaints or concerns resolved by those who are designated by the project to address such grievances.

As a living document, the LMP may be updated as necessary during project implementation. The LMP is applicable to all project workers, irrespective of type of contracts such as full-time, part-time, temporary, casual, or migrant workers.

2. OVERVIEW ON LABOR USE UNDER THE PROJECT

The World Bank's ESS2 (Labor and Working Condition) classifies project workers into four categories, including direct workers, contracted workers, community workers and workers of primary suppliers. In this project, direct workers, contracted workers, and primary supply workers are applied. It is expected that approximately 2,398 workers will be engaged for project implementation, with approximately 80% of them being contracted workers, including construction contractors, construction supervision consultants, and detailed design consultants. Table 1 (Section 2) summarizes the estimated number of workers (per category) expected to be involved in this project, as well as their characteristics, likely duration of labor requirements, and workers per unit/sub-project.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Project activities

The project consists of five components. Component 1 (Sustainable Water Service Delivery) involves most physical construction works that has been planned under the project. These include rehabilitation of existing reservoirs and irrigation channels, and construction of new water distribution canals to increase irrigated area for select command areas, and provision of domestic water supply to select populated area. Component 3 (Water Productivity at a farm level) supports increased productivity of the agriculture sector in the targeted basins with a particular focus on building capacity for effective on-farm water management, promotion of climate-smart agriculture practices that involves private sector. Component 3 (Integrated Water Resources Management) supports the establishment of river-basin based WRM initiated under the Mekong IWRM. Component 4 provides Project Management and Component 5 (zero budget) is the Contingency Emergency Response Component (CERC) that may include rehabilitation activities in the event of an Eligible Crisis or Emergency that may occur during project implementation.

Key Labor Risks

The anticipated hazards and risks for this project are categorized into the following types: a) Occupational Health and Safety (OHS), b) Labor Influx, c) Sexual Exploitation and Abuse, Sexual Harassment, and Violence Against Children, d) Child Labor, e) Forced or Compulsory Labor, f) Discrimination and Exclusion of Disadvantaged/ Vulnerable groups, and g) Temporary Workers. Section 3.2 describes the nature of each type of hazard.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The legal framework governing labor and working conditions in Cambodia is set forth in the Labor Law of 1997. The Labor Law prohibits discrimination, promotes fair treatment and equal opportunity (decent work)

in employment and wages, and protects and assists vulnerable workers. The Labor Law is dedicated to promoting workplace health and safety and is applicable to any individual who is employed through a work contract.

This Section also summarizes key issues of the 1997 Labor Law, such as basic wage, payment arrangements and deductions, hours of work, overtime work, weekly rest, and leaves (such as annual leave, sick leave, maternity, and other personal/family leave),

5. BRIEF OVERVIEW OF OCCUPATION HEALTH & SAFETY LEGISLATION

Section 5 of the Labor Law outlines the provisions related to Occupational Health & Safety. These provisions are consistent mostly with the WB's ESS2. The OHS provisions in the Labor Law aim to ensure that employees work in a safe and healthy environment by setting and enforcing standards and regulations, and specifying the rights and responsibilities of employers, employees and other relevant parties with regard to exercising OHS principles and taking measures to prevent occupational accidents, diseases and ensure work safety.

6. RESPONSIBLE STAFF

Responsibilities of MoWRAM and MoWRAM PMU

As the project owner, MoWRAM is responsible for overall implementation of the LMP. The Project Management Unit (PMU) established under MoWRAM will carry out day-to-day project implementation and management to ensure that all project workers are recruited and managed in accordance with requirements set forth in the LMP, Labor Law (1997), and other applicable laws and regulations.

Responsibilities of the PMU's contractors

Among the responsibilities of PMU's Contractors, which also includes those of the contractor's safety officer, are to identify potential hazards to project workers, particularly those that may be life-threatening. These are described in more detail in section 6.2. Contractors will be responsible and liable for the safety of the workers and community members in relation to construction activities of the contractors at subproject site.

7. POLICIES AND PROCEDURES

MoWRAM will incorporate all environmental and social requirements, including those related to Labor Management, into the tender document and contract documents to ensure potential bidders are aware of environmental and social performance requirements.

The contractors are required to ensure that all documentation related to their environmental and social performance, including LMP activities, is available for monitoring by the PMU at any time. All employees, including managers, will be trained and required to sign a Workers' Code of Conduct (See Annex 5.2 of ESMF).

8. OCCUPATIONAL HEALTH AND SAFETY

Contractors will develop an Occupational Health and Safety (OHS) plan as part of the contract's Environmental and Social Management Plan, considering OHS risks identified in this LMP, ESMF, and site conditions. The OHS plan will include specific measures to ensure the safety of workers who travel to remote sites. Section 8 describes the specific measures to be adopted in the plan, such as requiring professional drivers to use seatbelts when driving project cars and requiring drivers and passengers to wear helmets when riding project motorcycles.

In subproject areas, project workers will receive health and safety training, including disease infection prevention. The subproject ESMP will identify and assess site-specific risks and will include plans for identifying emergency health facilities and emergency evacuation. Measures will be taken to ensure that workplace environment is safe and is in compliance with the Law on Measures to Prevent the Spread of COVID-19 and other Deadly and Dangerous Diseases. With the assistance of the Cambodia Mine Action Center and Cambodia Mine Action Authority, UXO risks will be assessed for each subproject site, and appropriate risk mitigation measures will be proposed.

9. TERMS AND CONDITIONS

The World Bank's ESS2's terms and conditions, including the guidelines for COVID-19 prevention and treatment for workers, will be applied to all contracted workers. The additional conditions applicable to this LMP are provided in this document (Section 9), including those related to maximum working hours (limited to 8 hours per day, 6 days per week) in line with national law, the typical content required for a work contract for workers, including Worker's Code of Conduct, and so on. Additionally, it is required that Contractors, including subcontractors will enter into a written work contract with all the workers engaged under the project.

10. GRIEVANCE REDRESS MECHANISM (GRM)

The GRMs for project workers and SEA/SH survivors are described in Section 10 to address potential complaints of direct and contracted workers. Project contractors and subcontractors are responsible for informing their project workers of these grievance redress procedures through their employment contract and pre-work induction training.

While a timeframe is specified for each step, any grievance that concerns urgent health and safety issues shall be resolved immediately. Section 10 describes the full suite of options for lodging a complaint and addressing them. Complaints will be documented and acknowledged in writing upon receipt. MoWRAM's PMU is an alternative channel through which complaint can be lodged. Grievance redress procedures for Project workers, and for Sexual Exploitation and Abuse/ Sexual Harassment can be found in section 10.2 of the LMP.

11. CONTRACTOR MANAGEMENT

For Contractor Selection, contractors are required to provide information including past Environmental, Health, and Safety (EHS) performance, status of ESMS, number and qualifications of Environmental, Social, Health and Safety (ESHS) personnel, occupational health and safety procedures and controls. MoWRAM PMU may include items such as documents showing compliance with in-country ESHS legal requirements and other items in the Requests for Proposal (RFP) or other solicitations to prospective contractors (see section 11.1).

Project Performance

During construction, contractors are required to implement activities, including monitoring, keeping records and reporting on terms and conditions related labor management, grievance redress, and among other things, as detailed in section 11.2. As outlined in the contractor's work contract, project's LMP, and contractor's LMP, MoWRAM and their consultant for detailed design and implementation support are responsible for managing and supervising contractors' performance as well as overseeing the implementation of labor-related provisions.

12. PRIMARY SUPPLY WORKERS

Given the nature and scope of the project's civil works (rehabilitation and small-scale construction), the supply of construction materials like aggregates, binders like lime, cement, reinforced steel bars, etc. will be necessary for the construction activities. Before purchasing the material from a primary supplier, contractors need to conduct due diligence of the potential Primary Suppliers (those providing key materials for construction, particularly raw materials) to ensure there is no forced labor, child labor and serious safety issues associated with activities that produce construction materials supplied for the project. The LMP has a remedial process if child labor, forced labor and/or serious safety incidents involving primary supply workers under the project are identified.

1. INTRODUCTION

1.1 Project Overview

The Project aims to support the RGC in implementing an integrated approach to water security focusing on improving water availability for irrigation, bulk water services as well as agricultural water productivity. This project will support the RGC to operationalize the integrated approach to water security at the river basin and water system levels and address the primary threats to water security due to hydrological environments worsened by climate change, weak institutions, under-investment in water infrastructure, low water use efficiency in agriculture, and degrading ecosystems. The project also aims to improve governance, implement related policies and regulations, strengthen institutional capacity, and modernize selected water resources management infrastructure and services in targeted river basins.

1.2 Project Development Objective and Project Components

▪ **Project Development Objective.**

The project aims to improve water security and increase agricultural productivity in selected river basins of Cambodia, and to provide immediate and effective response in case of an eligible crisis of emergency.

▪ **Project Components.**

To realize the above PDO, the following project activities will be implemented. These activities are organized into five components, as summarized below:

- Component 1. Building foundations for improved water resource services (US\$ 10m)
- Component 2. Sustainable Water Service Delivery (US\$ 110m)
- Component 3. Increased Agricultural Productivity at Farm Level (US\$ 20m)
- Component 4. Project Management, Coordination, and Monitoring and Evaluation (US\$ 5m)
- Component 5: Contingency Emergency Response Component (CERC) (US\$0m).

1.3 Purpose of Labor Management Procedures

This Labor Management Procedures is prepared in accordance with the WB's Environmental and Social Framework (ESF), particularly the ESS2 (Labor and Working Condition), ESS4 (Community Health and Safety), and ESS10 (Stakeholder Engagement and Information Disclosure). The LMP is also in line with relevant laws and regulations of the RGC. The main purpose of the LMP is to identify risks and potential impacts associated with the engagement, use, and management of labor to be engaged under the CWISP. Based on identified risks and potential impacts, mitigation measures, including grievance redress mechanism, and implementation arrangements, are proposed. The LMP is a living document and is subject to update when needed during project implementation.

2. OVERVIEW ON LABOR USE UNDER THE PROJECT

2.1 Type of workers

The World Bank's ESS2 (Labor and Working Condition) classifies workers engaged under a World Bank financed project, into four categories: direct workers, contracted workers, community workers and workers of primary suppliers. Under CWSIP, the following types of workers are identified:

- **Direct workers** – people employed or engaged directly by the PMU (including the project proponent and the project implementing agencies) to work specifically in relation to the project.
- **Contracted workers** – people employed or engaged through construction contractors, and subcontractors, to perform activities related to construction of the civil works. Contracted workers

include those mobilized under consultancy assignments. Contracted workers could be either those engaged internationally – as foreigners, and/or Cambodian people. If international workers are engaged, it is anticipated that these international workers have been already living/working in Cambodia.

- **Primary supply workers** – people engaged by PMU’s contractors as primary suppliers. Primary supply workers include those who are hired by main suppliers of construction materials and goods for core functions¹ of the project.
- **Community workers** – local people who are engaged to provide labor as a contribution to the project, such as on a voluntary basis.

2.2 Direct workers

Under this project, direct workers are individuals who are directly employed by the MoWRAM’s PMU and MAFF’s PMU for project purpose. These people are engaged for different roles such as administration staff, accountant, IT, environmental, social specialists, procurement specialist, etc. It is estimated that 20 people would be engaged to support PMU of MoWRAM and MAFF.

2.3 Contracted workers

During project implementation, PMUs will engage various contractors to support project construction. PMUs would also engage technical consultant teams to support in detailed design, construction supervision, and technical assistance. It is estimated that a total of 1,980 people would be engaged to support 5-6 construction subprojects, and other services such as technical assistance.

2.4 Primary supply workers

Workers working in companies, factories, and enterprises that directly and regularly supply goods and construction materials essential to the core functions of the subprojects are considered primary supply workers under the CWSIP. It is estimated that 300 people may be involved as primary supply workers to support construction of 6 subprojects to throughout project life (See Chapter 12 for details on primary supply workers).

2.5 Community workers

It is not anticipated that community workers will be engaged to support project implementation.

2.6 Other stakeholders working in connection with the project

Other stakeholders involved in the project will include civil servants directly employed by the government. Under the CWSIP, these include civil servants who are currently staff of MoWRAM and Department of Water Resources and Meteorology (PDWRAM) at provincial and district levels in four project provinces. Staff from the General Department of Resettlement (GDR) under the Ministry of Economy and Finance (MEF) and staff from other line ministries are also considered stakeholders involved in the project. It is estimated that 98 people may be involved as other stakeholders working in connection with the project.

2.7 Total estimated number of workers

From the above labor breakdown, it is estimated that approximately 2,398 people would be employed throughout the project life to support project implementation. It is anticipated that the total number of contracted workers may increase if Project Component 5 (Emergency) activities are carried out during project implementation (See Summary of Types and Estimated Number of Project Workers in Table 1 below).

¹ Core functions of the CWSIP refers to those production and/or service processes that are deemed essential for a specific subproject activity without which the subproject cannot continue.

Table 1 – Summary of Types and Estimated Number of Project Workers (Project Life)

| Type of project workers | Characteristics of project workers | Duration of Labor Requirements | Workers per subproject | Total workers (for 6 subprojects during entire project) |
|---|--|---|------------------------|---|
| DIRECT WORKERS | (Sub-Total: 20 people) | | Sub-total | 20 |
| PIU's member MoWRAM and MAFF | Individual consultants (e.g., E&S Specialists, Design Engineers, Construction Supervision Engineers, etc.) | From project preparation till project completion | | 20 |
| CONTRACTED WORKER | | | Sub-total | 1980 |
| Engaged by PIU | | | | |
| Detailed Design consultant | National specialists | From project preparation until project completion | 10 | 60 |
| Construction Supervision consultant | National specialists | | 5 | 30 |
| Independent E&S Monitoring Consultant | | One month in very six months | 5 | 30 |
| Technical Assistance | | | 10 | 60 |
| Engaged by construction contractors | | | | |
| Skilled workers | National specialists | Durations vary, depending on construction stages & needs. | 250 | 1500 |
| Unskilled workers | local workers (around subproject location) | | 50 | 300 |
| PRIMARY SUPPLY WORKERS | Sub-Total for entire project: 300 persons | | Sub-total | 300 |
| Workers producing materials for core project activities | Mostly local workers | Construction stage | 50 | 300 |
| OTHER STAKEHOLDERS WORKING IN CONNECTION WITH PROJECT | Sub-Total for entire project: 98 persons | | Sub-total | 98 |
| Civil servants of MoWRAM, PDWRAM at provincial & district level | SEO safeguard team | The construction stage of the project. | 5 | 30 |
| Civil servants of MAFF | Staff of MAFF | From project preparation until project completion | 5 | 30 |
| Civil servants of MEF | Staff of GDR | From project preparation until project completion | 3 | 18 |
| Civil servants of relevant Ministries | Staff | The construction stage of the project. | 20 | 20 |
| | | | Grand-Total | 2398 |

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

3.1 Project activities

The project has five Project Components, of which Component 2 (Sustainable Water Service Delivery) and Component 3 (Increased Agricultural Productivity at Farm Level) will involve physical construction, including rehabilitation/upgrading existing reservoirs, weirs, barrage, irrigation canal, water distribution system, and installation of small-scale equipment such as solar powered drip irrigation. Project Component 1 (Integrated Water Resources Management) and Component 4 (Project Management) are not related to physical construction and focus on policy actions, capacity building activities, day-to-day coordination, management and implementation of the project, and contingency emergency response. It is noted that consultants engaged under all Project Components are subject to OHS requirements – as described in this LMP.

3.2 Key Labor Risks

Based on the nature and scope of potential civil works, as well as the geographical characteristics of the potential construction sites, the following hazards and risks are anticipated, and categorized into the following types: a) Occupational Health and Safety (OHS), b) Labor Influx, c) Sexual Exploitation and Abuse, Sexual Harassment, and Violence Against Children, d) Child labor, e) Forced or Compulsory Labor, f) Discrimination and Exclusion of Disadvantaged/ Vulnerable groups) Temporary Workers, as described below. All workers shall be made aware of the workers and project's grievance mechanisms, and how to access them.

a) Occupational Health and Safety (OHS) Risks:

Contractors will be required to develop and implement the Contractor's Labor Management Procedures (C-LMP) as part of C-ESMP, including procedures to establish and maintain a safe working environment as per requirements of ESS2.

Physical Hazards. Physical hazards represent potential for accident or injury or illness due to repetitive exposure to mechanical action or physical activities. Physical hazards may result in a wide range of injuries, from minor that needs medical aid only, to disabling, catastrophic, and/or fatal.

- **Accidents due to falls:** falling from ladders, scaffoldings, and vehicles, etc.
- **Accident due to falling objects:** Tools, machinery, equipment and materials used during construction may fall from the height, causing injuries or death.
- **Fall into open holes:** holes, manhole, and areas of deep excavation may be commonly found at works. Fall into these holes may cause injuries of various degrees.
- **Physical injury related to the operations of heavy equipment:** Injury or death may result during operations of heavy equipment, such as crane, excavator, cuts and bruises on sharp objects etc.
- **Accidents** due to prolonged exposure to sunlight (during dry season), rain and flood, etc.

Chemical hazards. Chemical hazards represent potential for illnesses or injuries, both short and long term, and fatalities due to single acute exposure or chronic repetitive exposure to toxic, corrosive, sensitizing or oxidative substances. Common chemicals used in construction include Portland cement clinker (mineral binders), formaldehyde (wood-based materials), polyurethane, vinyl, cadmium or lead (paints and resins), and solvents. They also represent a risk of uncontrolled reactions, including the risk of fire and explosion, if incompatible chemicals are inadvertently mixed.

- **Fire and Explosions.** Fires and or explosions resulting from ignition of flammable materials or gases can lead to loss of property as well as possible injury or fatalities to project workers.
- **Corrosive, oxidizing, and reactive chemicals.** Corrosive, oxidizing, and reactive chemicals present similar hazards and require similar control measures as flammable materials.

Personal Protective Equipment. PPE provides additional protection to workers exposed to workplace hazards in conjunction with other facility controls and safety systems. Worker may sustain physical injuries if they do not have access to the proper PPE.

Working Time: Civil work project sites are most likely to be in remote areas. For safety reasons, the project should require contractors, whenever possible, to allow workers to work during daytime. In case night shift is required because of the urgency of the work, proper safety measures, including sufficient lighting and surrounding security, must be taken.

Risk of wild animal. When workers work the reservoir that are in remote area, near forest, wetland, there is a risk of being bitten by snake. Some snakes are venomous.

Risk of lack of hygiene at workers' camp: There is a risk of lack of hygiene condition at workers' camp. This risk is related to lack of adequate supply of potable water, washing facilities, sanitation, accommodation, and cooking facilities which may affect the hygiene and health condition of workers, and their health status as a result.

b) Labor influx

To support construction of the civil works, the project contractor is likely to bring their own staff, such as project manager, technician and skilled workers. The contractors' staff may not share the same cultural characteristics as local people. It is anticipated that there would be some people who may gather to project sites to provide services to project workers. These people may contribute to the risk associated with labor influx.

Due to the labor influx, the following social risks are therefore anticipated, including:

- **Increased pressure on residents as a result of increased demand from the workforce of contractors, including non-locals who associate with the workforce, for food, fuel, and housing. These could include the families of the workers, sex workers, small businesses in the area, job seekers, and others.;**
- **Potential social conflicts** with local people.
- **Increased health risks**, such as contracting communicable diseases, such as COVID-19, HIV/AIDS, and non-communicable diseases (dengue fever, flu, etc.).
- **Increased risk of traffic accidents**, particularly for those living in the vicinity of the civil works and those who travel near the construction area.

c) Sexual Exploitation and Abuse, Sexual Harassment, and Violence Against Children

Because there are some 5-6 subprojects involving the rehabilitation/upgrading of existing dam reservoirs, weirs, barrages, irrigation canals, and water distribution systems, social risks associated with this project include sexual abuse and exploitation (SEA), sexual harassment (SH), and violence against children (VAC). These risks are due to 1) concentration of labour engaged for dam repair and construction of extended irrigation channel, 2) frequent visits of project workers, and 3) increased level of this risk due to pre-existing SEA/SH issues in the subproject's area of influence. It is noted that labor influx includes not only workers but also people who are local and non-local that gravitate to construction sites temporarily to provide logistics services for contractor's workers during construction stage.

A civil-work subproject may require approximately 250 workers to carry out construction activities. To reduce risk, various measures will be implemented to target different project stakeholders, such as main contractors, subcontractors, local people (including IP), local government, SEA/SH service providers, and so on. To reduce the likelihood of SEA/SH/VAC, PMU will make an effort to encourage the use of local labor force, thereby minimizing labor influx and associated risks. Contractors will be required, in work contract, to engage local people for both skilled and unskilled workforce, where

possible. Priority will be given to local people who experience economic displacement due to loss of farming opportunities as a result of project construction. Income earned through temporary work is expected to serve as an additional source of income to support their livelihood of those who are affected by the project.

Main contractors and subcontractors will be required to train their workers on Workers' Code of Conduct related to SEA/SH/VAC to minimize these risks. The Workers' Code of Conduct is considered a zero-tolerance policy to sexual exploitation & abuse, and sexual harassment. The observation of Individual Code of Conduct, as exercised by workers of both main and subcontractors will be closely monitored by Contractors, PMU, with participatory monitoring by local people and local government. As part of mitigation measures, contractors will conduct training, including refresher training, for their own workers, and monitor their workers' observation of the Individual Code of Conduct, including application of disciplinary actions for violation.

To raise community's awareness of these risks, PMU will carry out SEA/SH/VAC awareness campaign as part of its Information, Education, Communication (IEC) program. Awareness raising on SEA/SH/VAC will be integrated into consultation sessions, meetings, and trainings that PMU organizes with the participation of local people, local government, PMU's direct workers, project proponents and stakeholders working involved in the project. Distribution of project information booklets, project's SEA/SH/VAC complaint handling procedure is another measure that promotes outreach to reach people who do not have a chance to attend community meetings. Given the availability of these proposed measures and low awareness of local people, the risk of SEA/SH/ VAC is evaluated as "Moderate" by the time of project preparation. The risks below are likely when local people (engaged as local unskilled workers) are not aware of their right and terms and working condition as project labor. All project workers, particularly workers engaged by construction contractors, will be trained on workers' rights, working condition, code of conducts.

d) Child labor

The 1997 Labor Law establishes the age of 15 years as the minimum working age. According to the World Bank's ESS2, however, the required minimum working age is 14 or higher, as specified by national law.

Since the project construction activities will take place in rural area where child labor is common, there is a possibility that local labor under 18 years of age is engaged by construction contractors and subcontractors to perform unskilled works.

All contractors under the project are required to hire workers who are 18 years of age or older. Before a contract is signed, the contractor is required to verify all worker's age using evidence that is legally accepted, such as identification card, or a testimony/affidavit from commune level. The requirement for minimum working age of 18 years of age will be included in bidding documents, and in work contract that PMU signs with each of the awarded contractors. With these measures in place, the risk of engaging child labor is rated "low".

e) Forced labor

Forced labor is forbidden under the Labor Law (Article 15, Section 5). Forced labor includes situations where persons are coerced to work through use of violence or intimidation, manipulation of debt, retention of identity papers, threats, or other forms of retaliation. Hiring of people to work in order to pay off their debt is considered forced labor.

Since project construction activities will take place primarily in rural areas, and most people will most likely be unskilled for the construction work, PMU and contractors will make every effort to avoid forced labor. This will be accomplished by requiring contractors and primary supplier to screen for and

avoid engaging forced labor in project work. Under this project, the risk of engaging forced labor is “low”.

f) Discrimination and exclusion of disadvantaged/ vulnerable groups

Vulnerable/disadvantaged people, such as the poor, indigenous peoples, and women, as well as workers with disability, may be excluded from accessing temporary employment opportunities, such as those offered by construction contractors. Unequal wage payment based on gender may happen, particularly with local people working as unskilled workers. Contractors will make every effort to inform local disadvantaged/vulnerable groups about job opportunities, and contractors are also required, through their work contract, to avoid impartial pay based on gender and employment status. Contractors may ask the commune office and/or local mass organizations for their support in making job opportunities timely accessible to vulnerable people. The risk of discrimination and exclusion of disadvantaged/ vulnerable groups is “low”.

g) Temporary workers

Local people, recruited as unskilled workers by project contractors, may not be offered a written working contract. As a result, there is a possibility that they may be underpaid for the nature, scope, and quantity of work that they undertake. They may also be asked to work under conditions that are hazardous to them, such as working without personal protective equipment as required for such work. Underpayment may also take place based on gender and temporary work status at the discretion of contractors. To address this risk, contractors will be required to sign a contract with temporary workers. The contract will clearly specify the nature and scope of the work, including the number of work hours the workers are expected to work per day, as well as the workload expected based on the temporary workers' physical suitability. To reduce risk, this requirement will be incorporated into bidding documents and work contracts between PMU and awarded contractors. This risk is assessed as "low".

h) Unpaid Overtime Work

It is anticipated that working overtime is likely common under the subprojects, particularly when overtime work is required to catch up with delay construction progress, or to complete certain part of the construction before the wet season starts. It is also common that Contractors, including subcontractors, may fail to keep record of their workers' overtime work hours. As result, overtime compensation is not paid, and workers is not aware of their entitlement to overtime payment and claim accordingly. When workers are required to work overtime for urgent jobs, the overtime hours shall be paid at the additional 50% of rate for normal hours. If the overtime hours are worked at night or during weekly time off, the rate of increase shall be 100% – as per Article 139 of the Law of Labor. This risk is assessed as "moderate".

4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The Labor Law (1997) is the regulatory framework with regards to labor and working condition in Cambodia. The Labor Law provides regulations against discrimination, promotes fair treatment and equal opportunity (decent work) in employment and wages, and provides protection and assistance to vulnerable workers. The Labor Law is dedicated to promoting health and safety in the workplace and applicable to anyone who is engaged through working contract.

The following laws and legal documents are related to terms and work conditions, and are applicable to direct, contracted and primary supplier’s workers:

- Law on the Prevention of Domestic Violence and the Protection of Victims
- Law on the Protection and Promotion of the Rights of Persons with Disabilities
- Prakas on the Prohibition of Hazardous Child Labor
- Prakas on Light Work

Table 3 below summarizes key issues specified in the 1997 Labor Law, covering, *inter alia*, basic wage, payment arrangement and deductions, hours of work, overtime work, rest per week, and leaves (including annual leave, sick leave, maternity, and other personal/family leave...), etc.

Table 2 – Key issues of the 1997 Labor Law

| Key issues | Relevant Articles in Labor Law 1997 | Categories of workers |
|---|---|--|
| Basic wage | <p>Article 104: The wage must be at least equal to the guaranteed minimum wage. It must ensure every worker has a decent standard of living compatible with human dignity.</p> <p>Article 105: Any written or verbal agreement that would remunerate the worker at a rate less than the guaranteed minimum wage shall be null and void.</p> | Direct workers, Contracted workers, Primary supply workers |
| Payment arrangement & deductions | <p>Article 113: The wage must be paid directly to the worker concerned, unless the worker agrees to get paid through other methods.</p> <p>Article 116: Workers’ wages shall be paid at least two times per month, at a maximum of sixteen-day interval. Employees’ wages must be paid at least once per month. In the event of termination of a labor contract, wage and indemnity of any kind must be paid within forty-eight hours following the date of termination of work.</p> <p>Article 127: None of the balance can be made, in favour of the employer, between the worker’s wage and the employer’s claim for diverse supplies of whatever kind, except for:</p> <ol style="list-style-type: none"> 1. Tools and equipment required for the work and that are not returned by the worker upon his departure. 2. Items and materials under the control and usage of the worker. 3. Amount advanced to acquire the said items. 4. Amounts owed to the company store. <p>The total amount deducted from the wage, in any case, cannot surpass the portion deemed necessary to provide the basic living for the worker and his family.</p> | Direct workers, Contracted workers, Primary supply workers |
| Hours of work | <p>Article 137: In all establishments of any nature, whether they provide vocational training, or they are of a charitable nature or liberal profession, the number of hours worked by workers cannot exceed eight hours per day, or 48 hours per week.</p> | Direct worker , Contracted workers, |

| Key issues | Relevant Articles in Labor Law 1997 | Categories of workers |
|---------------|--|---|
| Overtime work | Article 139: If workers are required to work overtime for exceptional and urgent jobs, the overtime hours shall be paid additional 50% of rate for normal hours. If the overtime hours are worked at night or during weekly time off, the rate of increase shall be 100%. | Contracted workers and Primary supply workers |
| Rest per week | Article 146. It is prohibited from using the same worker for more than six days per week. Article 147: Weekly time off shall last for a minimum of twenty-four consecutive hours. All workers shall be given, in principle, one day off on Sunday. | Direct workers, Contracted workers, |
| Leaves | Article 166: Unless there are more favourable provisions in collective agreements or individual labor contracts, all workers are entitled to paid annual leave at the rate of one and a half a workday as paid leave per month of continuous service. Any worker who has not worked for two continuous months is entitled, at the termination of his labor contract, to compensation for paid leave calculated in proportion to the amount of time he worked in the enterprise. For jobs that are not performed regularly throughout the year, a worker is considered to have met the condition of continuous service if he works on average 21 days per month. Article 170: In principle, annual leave is provided for the Khmer New Year unless there is a different agreement between the employer and the worker. In this case, the employer must inform the Labor Inspector of this arrangement. In case where paid annual leave exceeds fifteen days, employers have the right to grant the remaining days off at another time in the year, except for the leave for children and apprentices who are less than eighteen years of age. | Direct workers, Contracted workers, |

5. BRIEF OVERVIEW OF OCCUPATION HEALTH & SAFETY LEGISLATION

The Labor Law includes provisions for occupational health and safety (1997). These provisions are mostly in line with the World Bank's ESS2. The OHS provisions in the Labor Law 1997 establish and enforce standards and regulations to ensure employees work in a safe and healthy environment by. The provisions also define the rights and responsibilities of employers, employees, and other relevant parties in exercising OHS principles and propose measures for prevention of occupational accidents, diseases, and ensure work safety.

In accordance with the Labor Law (1997), the Ministry of Labor and Vocational Training has issued the following OHS regulations:

- Prakas No 052 dated 01 February 2000 concerning Sanitary Toilet.
- Prakas No 054 dated 01 February 2000 concerning provision of the Safe Drink.

- Prakas No 124 dated 15 June 2001 concerning Heavy Object Lifting by Hand.
- Prakas No 125 dated 15 June 2001 concerning Air Ventilation and Sanitation.
- Prakas No 138 dated 22 April 2003 concerning Noise at Workplace.
- Prakas No 106 dated 28 April 2004 concerning Prohibition of Children Working in Dangerous Workplace.
- Prakas No 075 dated 30 March 2011 concerning Sanitation at the Construction Site.
- Prakas No 077 dated 30 March 2011 concerning Information at the Construction Site.
- Prakas No 078 dated 30 March 2011 concerning Storage, Waste Management and Cleanliness at Construction Site.
- Prakas No 109 KB/PrK dated 17 March 2016 (Ministry of Labor and Vocational Training) on Healthcare Benefits.

6. RESPONSIBLE STAFF

6.1 Responsibilities of MoWRAM and MAFF PMUs

As the key project owner, MoWRAM, in conjunction with MAFF, is responsible for the overall implementation of the LMP. Before the project implementation, MoWRAM will establish an PMU and ensure that the PMU will carry out day-to-day project implementation and management and that all project workers are recruited and managed in accordance with this LMP's requirements, the Labor Law (1997), and other relevant laws and regulations. Specifically, PMU will:

- Ensure principal contractors and their subcontractor are fully aware of and are committed to implementing all requirements set forth in the project LMP.
- Ensure principal contractors prepare Contract's Labor Management Procedures in compliance with the project LMP and submit to PMU for review and approval prior to mobilizing staff to project site.
- Ensure workers engaged by principal contractors and their subcontractors are fully aware of all requirements described in the Contractor's LMP, particularly requirements related to terms and working condition and complaint handling procedures applicable to project workers.
- Conduct regular monitoring to ensure principal contractors and subcontractors' performance follows the Contractor's LMP, and with relevant provisions described in subproject's ESMP and procurement documents.
- Ensure principal contractors and their subcontractors take proactive and appropriate measures to ensure their workers carry out the work safely and without risk to their health.
- Ensure principal contractors and their subcontractors conduct regular risk assessment, provide timely and necessary risks-based trainings to their workers, and provide appropriate supervision to required plans and actions with a view to avoiding or minimize the risks and potential impacts identified in this LMP.
- Ensure principal contractors and their subcontractor address timely their workers' grievances in accordance with the GRM described in Contractor's LMP and establish a safe working environment, free of discrimination and SEA/SH risks, as well as provide appropriate PPE, especially for those conducting site inspections/supervision.

6.2 Responsibilities of PMU's Contractors

The contractors will:

- Develop and implement procedures to establish and maintain a safe working environment at project's construction sites. This includes safe workplaces, safe machinery operation, and

equipment to avoid/reduce potential risks to the health and safety of contracted workers, and the general public.

- Actively and regularly train workers to promote workers' understanding and implementation of OHS requirements, including risks related to COVID-19, SEA/SH/VAC, etc.
- For the risk of SEA/SH, all contractors, including subcontractors, must train their female workers, about their rights, including the GRM for SEA/SH (See Section 10.2), through contractor's training, awareness campaign, and or meetings.
- Ensure training on operational procedures for all project equipment and tools are provided to all workers who will use such equipment and tools.
- Ensure that use of faulty and substandard equipment is avoided.
- Provide laminated signs of relevant safe working procedures in visible areas at construction sites in both English and Khmer languages;
- Provide appropriate PPE to workers.
- Put in place procedures that encourage workers to report work situations that are hazardous or put the health and safety of workers and community members at risk.
- Confirm that workers are properly trained and appropriate measures are in place before mobilizing their workers to communities with potential risk of conflicts.
- Ensure that sufficiently supplied first-aid kits are provided at all construction sites.
- Provide employees with access to toilets and potable drinking water; and
- Properly dispose of solid waste at designated permitted disposal/landfill sites.
- Keep track of and report periodically all responsibilities listed under Section 6.2, as a minimum.
- Ensure their subcontractors manage the E&S risks and impacts associated with subcontractors' activities.

Specifically, the contractors are responsible for the followings:

Compliance. Comply with relevant national legislation as well as requirements set forth in this LMP (see Annex 2.1 – Occupational Health and Safety Guideline of this ESMF);

Terms and Working Conditions. Ensure all the workers engaged for the project work are fully aware of terms and working conditions as per Contractor's LMP and fully observe it.

Appointment of Staff. Ensure that key officers in charge of OHS and Work Safety are timely brought on board and satisfactorily identify hazards, assess risks, prepare training curriculum, timely deliver training, and appropriately to ensure workers' full understanding of OHS and Work Safety requirements before workers commence the works.

Training of Workers. Ensure all workers engaged have the right and sufficient skills, knowledge, training, and experience to carry out the work, or are in the process of obtaining them, to meet the work requirements as specified in the Work Contract. Where required by the project, the contractors provide additional training and supervision to ensure workers work safely.

Ensure that the training of workers covers key topics that were identified as potential risks to workers and to the general public. These topics may include Environmental, Social, Health and Safety (ESHS), OHS, SEA/SH/VAC, communicable diseases such as HIV/AIDs, COVID-19, non-communicable diseases, as well Individual Code of Conduct (CoC) as specified in the Work Contract with PMU.

Addressing Workers' Grievances. The Contractors shall implement the Grievance Redress Mechanism (GRM) for workers as specified in this LMP. The MoWRAM's SEO will review the contractors' GRM records monthly. MoWRAM will ensure that all complaints are resolved in a timely manner in accordance with the procedures outlined in Section 10 of this LMP, and that GRM results are reflected in PMU's quarterly progress reports to the World Bank.

Reporting. Ensure that accidents are reported to MoWRAM on a monthly basis and that serious incidents are reported immediately.

A Contractor's Safety Officer will be responsible for:

- Identifying potential hazards to project workers, particularly those that may be life-threatening.
- Providing preventative and protective measures, including modification, substitution, or elimination of hazardous conditions or substances.
- Training project workers and maintenance of training records.
- Documenting and reporting of incidents.
- Preparing emergency preparedness plan, including response actions for such emergency situations; and
- Providing remedial actions for adverse impacts such as occupational injuries, deaths, disability and diseases.

Contractors will be responsible for the safety of workers and community members in relation to construction activities at the subproject site.

7. POLICIES AND PROCEDURES

PMUs of MoWRAM and MAFF will incorporate all environmental and social requirements in the tender document and contract documents to ensure that potential bidders are aware of environmental and social performance requirements and are able to implement such requirements for the duration of the contract. The contractor is required to ensure that all documentation related to their environmental and social performance, including activities related to the LMP, are available for inspection at any time by PMU. All workers will be trained and will be required to sign an Individual Code of Conduct, including Manager, as applicable (See Annex 5.2).

▪ Occupational Health and Safety (OHS)

To ensure the safety of workers traveling to remote sites, the OHS strategy will include specific measures, such as (1) requiring only professional drivers to operate project cars and requiring seatbelt use inside of them; (2) requiring drivers and passengers to wear helmets when operating project motorcycles, including private motorcycles when used for project-related tasks and avoid travel at night; (3) travel by motorcycle for project-related purposes shall be during daytime (4) refrain from driving when under the influence of alcohol or any drugs, (5) measures to monitor, anticipate and avoid potential security risks while travelling, including liaison with local police and authorities and encouraging project workers to share any concerns they may have.

Project workers in remote areas will receive health and safety training, which will cover topics like preventing infections through contaminated food and/or water and/or through vector-borne diseases as well as avoiding snakebites and insect stings. Site-specific risks will be assessed as part of the ESMP which will include plans for identification of emergency health facilities and emergency evacuation. If required, stocks of snakebite anti-venom will be maintained on hand at project sites.

UXO risks will be assessed for all sites with the assistance of Cambodia Mines Action Centre / Cambodia Mines Action Authority and appropriate risk mitigation measures adopted.

The Health and Safety specifications will include the following provisions:

- Ensuring that health and safety standards at work places are completely compliant with applicable Cambodian laws, including (1) providing all employees with training in basic safety awareness as well as in their terms and working conditions, as a precondition for presence at a construction site; (2) All drivers of vehicles must possess the necessary licenses, and all operators of

construction equipment must receive training, including in safety procedures; (3) Safe management of the areas around operating equipment (e.g. turning circle of excavators), including stationing flagmen where necessary; (4) all workers on construction sites to be equipped with helmets, safety boots and protective gloves, depending on site-specific assessment of labour and OHS related risks; (5) secure scaffolding and fixed ladders to be provided for work above ground level; (6) First aid equipment and facilities to be provided in accordance with the Labor Law; (8) at least one supervisory staff member is trained in safety procedures and to be present at all times when construction work is in progress; and (9) adequate provision of hygiene facilities, resting areas, among other things.

- Ensuring workplaces are safe from COVID-19 and follow the Law on Measures to Prevent the Spread of COVID-19 and other Deadly and Dangerous Diseases, dated on 11 March 2021.
- All workplace health and safety incident will be accurately documented in a register that is shared with the supervising engineer. The register should contain the following information: (1) the incident's date, time, and location; (2) its nature; (3) type of injury, and other relevant impacts, including the number of affected workers and others; and (4) the actions that have been taken (first aid, evacuation etc.).
- All workers will be covered by insurance against occupational hazards.
- All work sites have health and safety plans, including identification of potential hazards and actions to be taken in case of emergency, locations prone to accidents, and emergency facilities.
- On-site accommodation must be safe and hygienic. Adequate supply of potable water, washing facilities, sanitation, accommodation, and cooking facilities will be provided. Together with the construction supervision consultant, the location and design of the site camps will be decided, and a pertinent risk assessment will be conducted. (See also Annex 4.5 of ESMF for Guidelines on Worker's Camps).
- Workers residing at site accommodation will receive training in prevention of infections from contaminated food and/or water, vector-borne and sexually transmitted diseases.
- Where contractors hire workers who are local community members, ensure disadvantaged and vulnerable community members have equal access to such work opportunities. Where large numbers of community members are employed, childcare facilities should be provided.
- Employment of people under 18 years of age is prohibited under the project.
- Under no circumstances will contractors, sub-contractors, and primary suppliers engage forced labor.
- Construction materials manufactured in Cambodia shall be procured from suppliers who are able to certify that no forced labor (including debt bondage labor) or child labor (except as permitted by the Labour Law) were involved in the production of the materials.
- All employees must be aware of their rights under the Labor Law.
- All employees will be informed of their ability and rights to file a grievance using the project's GRM for project workers (Section 10.2).

▪ **Dissemination and Awareness**

The following steps will be carried out by PMU during project implementation.

- Key OHS requirements developed under the LMP will be included in Contractor's Bidding Document and Work Contract.
- All Contractors will be required (as part of their World Contract with PMU) to prepare their own Contractor's-ESMP (C-ESMP) where the Contractor will include the Contractor's LMP to

identify/update the risks related to OSH (based on the site condition, their equipment/tools, and their workers' skills and experience, etc.) and propose measures to mitigate such risks.

- Contractor's C-ESMP will be reviewed by PMU and approved by PMU's Construction Supervision Consultant before Contractor is authorized to mobilize staff and their equipment to the construction site.

8. AGE OF EMPLOYMENT

The minimum working age required for the CWSIP project is 18 years of age. This requirement applies to both national and international workers. Prior to the engagement of labor, workers will be required to provide their identification card or birth certificate for age verification before commencing project related works. In the absence of these official documents, alternative methods could be used to support the age verification, such as a testimony/affidavit from commune level where the potential employee was born, or currently lives. Contractors will check all supporting documents for age verification for their validity. A copy of the document used for age verification will be kept on the Contractor's record.

If Contractor's workers are found to be under 18 years of age, the Contractor is required to stop the work of the worker involved to check Contractor's supporting document about the worker. If the workers are under 18, the Contractor must explain to the workers and ask the worker to stop their work immediately. The Contractor will then agree with the worker on how compensation for the time the worker have spent are paid, including payment of any unpaid overtime work, other benefits, leave balance, etc... The contract should be ceased immediately on the day age verification is completed.

9. TERMS AND CONDITIONS

All terms and conditions outlined in the World Bank's ESS2 (paragraphs 10 to 15) will be adopted and applied to contracted workers. In addition,

- In line with national law, the maximum working hours are limited to 8 hours per day, 6 days per week.
- Employers shall guarantee that the workers receive at least one day of rest per week. Employers shall also decide for the employees to take vacation according to laws during Khmer New Year, Pchum Ben, and any other legal holidays prescribed by the laws and regulations.
- Employment opportunities will be available to all, including equal pay regardless of workers' gender, ethnicity, and employment status.
- The wages to be paid to workers shall not be lower than the local Cambodian minimum wage.
- Relevant provisions in the Labor Law for female workers must be observed, including maternity leave for female workers, where applicable.
- Workers are required be tested periodically for COVID-19 (per updated local regulations at subproject location. Worker(s) tested positive will be isolated and transferred to designated Health Care Facilities for medical treatment.
- Suspected workers will be isolated for close medical monitoring and reported to local health services/authorities for guidance/action to prevent spreading.
- Workers who are affected by COVID-19 and are unable to work will be paid in accordance with Labor Code regulations.

The labor contract shall be provided to workers in writing and shall have the following provisions:

- Work content (e.g., nature and scope of work).

- Working condition (duration of contract; hours of work, overtime work, place of work, annual leave, sick leave, labor protection measures, etc).
- Remuneration payable (basic wage, bonus, and others).
- Conditions for termination of the employment contract.
- Responsibilities of parties when breaching employment contract.
- Staff regulations and rules, including Individual Code of Conduct on SEA/SH/VAC, etc.
- Disciplinary measures for the violation of Individual Code of Conduct and misconduct.
- Grievance Redress Procedures related Labor and Working Conditions, and SEA/SH.

10. GRIEVANCE REDRESS MECHANISM

To address potential grievances of direct and contracted workers, the GRMs for project workers and SEA/SH survivors are described below. These complaint handling procedures will be disclosed to project stakeholders, including project workers, community adjoining to subprojects, vulnerable groups, and interested parties, during project preparation and implementation. Before project workers begin working on construction sites, project contractors and subcontractors must inform them of these grievance redress procedures through their employment contracts and induction training.

It is noted that while a timeframe is specified for each step, any grievance that concerns urgent health and safety issues shall be addressed and resolved immediately. Where a grievance cannot be addressed within a reasonable/specified timeframe, the aggrieved persons should be informed in writing to allow them to consider proceeding to the Labor Inspector in their province or municipality. The aggrieved persons also can take to court any step as they wish.

10.1 Principles for labor related GRM

- **Channels.** Different channels are established to enable affected person to submit their grievances, including submission to village committee, as well as district and provincial levels. Grievance can also be submitted to PMU via designated email or phone administered by PMU GRM focal points.
- **Forms.** Grievances can be submitted in writing and verbally, and either directly by the affected households, or by person delegated by the complainant who are sick, the elderly, or people with disabilities, or with vision or hearing impairment, etc.
- **Complainant can delegate a representative who act on their behalf.** Person lodging a grievance can ask assistance from their family or from individual that they trust to transcribe their complaint, and act as their representative to submit their complaint.
- **Disclosure.** GRM procedures are disclosed in public domain (e.g. **websites of PMU**, at public notice board located at **village hall**). GRM procedure will be explained to people attending consultation meetings.
- **Documentation.** A grievance logbook will be maintained at village hall, and at PMU level (through PMU GRM focal point). A grievance logbook will be established and regularly updated/maintained at village hall and PMU level.
- **Transparency.** The grievance procedures include steps, expected time frame grievance resolution for each step, notification to affected person, how decision is made, decision makers, mediation options, and
- **Complaint will be acknowledged within 7 working days from the date of complaint receipt and solved within 14 working days.** The unit in charge of complaint resolution will notify complainant

upon complaint receipt and will initiate the complaint resolution process.

- **Appeal.** If the agency in charge does not resolve a grievance in a manner that is satisfactory to the affected person, a multistakeholder committee will be established (ad-hoc) to resolve the dismissed grievance – as an alternative for affected person going to court. If the grievance could not be resolved satisfactorily by the multistakeholder committee, the affected person may resort to the court of law.
- **Monitoring.** All grievances received are recorded by PMU, and are processed/resolved in a given timeframe, and are monitored by PMU GRM focal point.
- **Time-limit for grievance resolution is specified for each step.**
- **Complainants bear no costs associated with the entire complaint resolution process.** Costs incurred as a result of grievance resolution will be borne by the project. However, if the complainants bring their case to the court of law as they wish, they will bear the costs associated with their lawsuit.
- **Any grievance concerning urgent health and safety issues** shall be resolved immediately.

10.2 Grievance Redress Procedure for Project Workers

Project workers can lodge their grievances/complaints as follows:

- **Step 1 – Employer Level.** An aggrieved person (AP) can file a grievance with their employer, who serves as the first point of contact for receiving and resolving grievances. A complaint can be filed verbally or in writing, in person or by phone, text message, mail, or email (an anonymous complaint is accepted). The employer involved will resolve the case within 15 days. Once resolved and the AP is satisfactory, the Employer will report the case, including the resolution process and results, to the SEO of the MoWRAM for information and record. If the AP is not satisfied with the resolution of their Employer, the Employer will refer the AP to the SEO of the MoWRAM, and the MoWRAM Management if needed and inform the AP of this referral. It should be noted that if a complaint is concerned about the safety and health of one or more individuals, the complaint should be resolved as soon as possible, depending on the nature and urgency of the grievance.
- **Step 2 – PMU level.** MoWRAM SEO will resolve the complaint referred by the employer and acknowledge the receipt of the AP's complaints within two weeks from the date of complaint receipt. If the SEO of MoWRAM cannot resolve the complaint, the SEO Safeguard Team will consult with the Project Manager/Director for resolution. The SEO of the MoWRAM will inform the AP of the PMU's resolution result in writing within 30 days from the date of complaint receipt. If the AP is not satisfied with the resolution outcome proposed by PMU, PMU will refer the case to the Project Steering Committee of the project for resolving and inform the AP of this referral in writing.
- **Step 3 – Project Steering Committee level.** At this level, the case will be resolved no later than 21 days. The AP will be informed of the resolution decision in writing. In case the grievance has not been solved within the specified timeframe, or the AP does not agree with the proposed resolution, the AP can approach the Labor Inspector of his/her province or municipality.
- **Step 4 – Court of Law.** If the AP is not satisfied with the resolution proposed above, a multistakeholder committee will be established (ad-hoc) to resolve the dismissed grievance – as an alternative for affected person going to court. If the grievance could not be resolved satisfactorily by the multistakeholder committee, the affected person may resort to the court of

law. The cost associated to the lawsuit shall be borne by the AP. The decision of the Court will be final.

10.2 Grievance Redress Procedure for SEA/SH

Under the project, the GRM for SEA/SH mainly serves to: (i) REFER complainants to a local GBV service provider; and (ii) RECORD resolution of the complaint. In line with this, the following principles are applied. These principles recognize survivors as principal decision makers in their own care, and treat them with agency, dignity and respect for their needs and wishes.

- **Multiple channels** are in place for easy access and lodging complaints.
- **SEA/SH survivors will be referred to a local GBV service provider** for immediate support if they make a complaint directly to PMU,
- **Confidentiality of survivors are protected.** GM operator will keep SEA/SH allegation report confidential.
- **No identifiable information on the survivor shall be collected and stored** in Project Grievance Logbook.
- **Costs of operating the SEA/SH GRM will be financed by the project.**
- **A GBV service provider will be engaged** for subprojects that are rated “Moderate” or higher rate for SEA/SH risks, as determined by the SEA/SH risk assessment conducted as part of the site-specific ESMP.

Channels for lodging SEA/SH complaints

Channel 1 – AP can follow steps outlined in Section 10.2 (above) to lodge a SEA/SH complaint.

Channel 2 – Alternatively, AP can lodge their complaint, verbally or in writing, to the GRM Focal Point (the SEO of MoWRAM) for advice on grievance resolution.

Channel 3 – If AP wants to bring the case to the Court of Law, AP can follow steps below. Prosecution related to SEA/SH is administered under the Criminal Code and the Code of Criminal Procedure, and is as follows:

- ◇ **Step 1 – Judicial Police.** SEA/SH victim or a representative can submit their grievance to a local Judicial Police (JP) Officer. JPs include a) Commune/ Sangkat Chief, b) Commune/ Sangkat/ District/ Provincial/ National Police, and c) District/ Provincial/ National Military Police. The JP is responsible for receiving, recording complaints, and may conduct preliminary investigations to identify and may arrest the perpetrator. The JP will also collect evidence to support the prosecutors. If the SEA/SH happens at home and/or falls under the domain of domestic violence (as per Law on the Prevention of Domestic Violence and Protection of Victims), the SEA/SH survivor may seek support from a local qualified Judiciary Police Officer (appointed by the Ministry of Women’s Affairs) who can act as a complaining party on behalf of the SEA/SH survivor².
- ◇ **Step 2 – Prosecutor.** Upon receiving the completed written record from the JP, the prosecutor can decide on if the prosecutor will hold a file without processing it further

² In 2007, Inter-Ministerial Prakas No. 64 was issued by the Ministry of Women's Affairs (MoWA) and the Ministry of Justice (MoJ) appointing MoWA officials who have legal qualifications to be officials of the MoWA Judicial Police. The roles and authority of the JPO under MoWA is defined in the MoWA’s Prakas No. 072 KKN/BS (2007) and is as follows: (1) act as a plaintiff representing the victim (2) prepare reports and records (3) monitor and follow up on relevant investigations (4) follow up on Court’s procedures (decisions and convictions). In addition, Prakas of the Ministry of the Interior (No. 3840, 2020) on Establishment and Functioning of the Commune/ Sangkat Committee for Women and Children, has defined the roles and responsibilities of these Committees in prevention, mitigation and collaboration with juridical agencies to prevent, resolve cases related to domestic violence, sexual abuses, sexual harassment, human trafficking (such as exportations of women and children in commune/ sangkat for sexual exploitation).

or conduct proceedings against the perpetrator. The prosecutor may bring the case to the Court of Law and present the evidence in Court hearings.

- ◇ **Step 4 – Investigation by Judge.** During this step, the investigating Judge will conduct interrogation of the charged person and perform other required investigation procedure.
- ◇ **Step 5 – Hearing.** After issuing an order of indictment, the investigating Judge will submit the case to the trial court president who shall arrange a date for the trial. The decision of the Court on SEA/SH resolution is final.

11. CONTRACTOR MANAGEMENT

Contractors, including all subprojects, shall execute the management of the contract in a manner that is acceptable to the client and is in accordance with the World Bank rules and regulations as it relates to ESS2, particularly relating to the selection process for contractors, management of labor issues, including health and safety, procedures for managing and monitoring of performance for contractors, as well as reporting on working conditions.

11.1 Contractor Selection

• PREQUALIFICATION

Contractors should be asked to provide details including (but not limited to):

- Past EHS performance; status of ESMS.
- Number and qualifications of ESHS personnel; occupational health and safety procedures and controls.
- HR policies, codes of conduct, and grievance mechanism, including means to address harassment and other forms of GBV plus prior reported incidents of SEA and GBV; and
- Supply chain management as criteria for inclusion on such lists.

The number of documents and level of information and details requested shall be commensurate with the scope of work and other specific features that the contractor is being prequalified against.

• SOLICITATION

MoWRAM PMU may include the following in their RFPs or other solicitations to prospective contractors:

- Documents showing compliance with in-country ESHS legal requirements.
- MoWRAM's corporate E&S policy and other relevant policies, such as those for human resources, anticorruption and bribery, procurement, and stakeholder engagement.
- MoWRAM's Contractor E&S Requirements that define the main expectations in terms of occupational health, safety, E&S, and community aspects.
- Solicitations should request an affirmative statement or other commitment by prospective contractors that they will be responsible for E&S performance of their subcontractors and suppliers.
- Other governance frameworks or industry standards that may apply.

11.2 Project Performance

During construction, contractors are required to:

- Monitor, keep records, and report on terms and conditions related to labor management.
- Provide workers with evidence of all payments made, including benefits and any valid deductions.

- Keep records regarding labor conditions and workers engaged under the Project, including contracts, registry of induction of workers including Code of Conduct, hours worked, remuneration and deductions (including overtime).
- Record safety 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, etc.).
- Report evidence that no child labor is involved.
- Training/induction dates, number of trainees, and topics.
- Details of any worker grievances 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.
- Apply penalties and/or incentives for E&S performance of contractors and subcontractors.
- Sign the Manager’s Code of Conduct (Annex 2.2) and Individual Code of Conduct (Annex 2.3), as applicable.

MoWRAM and Construction Supervision Consultants are in charge of managing and supervising contractor performance in accordance with PMU's contract with contractors. MoWRAM/ Construction Supervision Consultant is specifically responsible for overseeing the implementation of labor-related provisions outlined in the Contractor's work contract, project's LMP, and Contractor's LMP.

11.3 Subcontractors

It may be more challenging for PMU to manage the E&S performance of subcontractors who are “third parties” engaged by main contractors to provide services such as transport, construction of certain parts of the reservoirs, roads, or canals, or other specialty services. The following arrangements shall be followed:

For main contractors. Main contractors who sign contract with PMUs will be held accountable by the Employer (PMU) to:

- Use their direct control over their contractors to ensure that E&S requirements are being met by subcontractors.
- On a daily basis, monitor not only their own E&S performance but also that of all its subcontractors throughout mobilization, the main construction phase, operation, and demobilization.
- As part of main contractor’s E&S management plan, submit to PMU information/data that the main contractor required its subcontractors to report in subcontractors’ regular report (weekly, monthly, quarterly).
- Ensure that remedial action is taken in the event of any non-compliance with ES requirements in the work of subcontractors.

For PMU, the PMU will

- Conduct regular meetings with main contractors, and between contractors and their subcontractors to ensure performance of both main contractor and subcontractors is satisfactory and that project specifications are being met.

- Require main contractors to provide an organization chart illustrating reporting lines on E&S PMU and subcontractors for contract negotiations and may be later included in contract documentation.

12. PRIMARY SUPPLY WORKERS

Given the nature and scope of the project's civil works (rehabilitation and construction of existing dams, reservoirs, regulators, and weirs), construction activities may require the supply of construction materials such as aggregates, cement, and miscellaneous materials used as admixtures for improved structural performance under flood resilience, and so on.

Some contractors may be able to produce some of the construction materials using their own workforce. However, where the contractors procure 1) essential materials, 2) directly from primary suppliers for the core functions of the project, and 3) on an ongoing basis, the workers engaged by such primary suppliers are considered “primary supply workers” as defined in the World Bank’s ESS2. As discussed in Chapter 3 (Key Labor Risks), the OHS risks are also deemed to be generally significant in the construction sector, including quarry sites where no functioning labor inspection mechanism is in place. To address these potential risks, the following measures will be taken:

- **Selection of primary suppliers**

Before purchasing materials from a primary supplier, contractors must conduct due diligence on potential primary suppliers (those providing key materials for construction, particularly raw materials) to ensure that no forced or child labor is involved in activities that produce materials for project use. The contractor should conduct due diligence by:

- Informing the Primary Supplier that the Contractor will not enter into contract with any primary suppliers that engage forced labor or child labor.
- When possible, visiting the company/factory, and interview key personnel about their working conditions, as well as conduct informal, random interviews with workers.
- Conducting secondary due diligence by collecting information from other parties who may be familiar with the primary suppliers. This is to make sure there are no reported instances of forced or child labor.
- If necessary and whenever possible, engaging the Ministry of Labor and Vocational Training to conduct due diligence on the potential supplier(s) to verify there are no instances of child labor or forced labor;
- Preparing due diligence reports and submit to MoWRAM.
- Including specific requirements on child labor, forced labor, and work safety issues in all purchasing contracts with primary suppliers.

- **Remedial process**

When the supply of materials is in progress, if child labor, forced labor, and/or serious safety incidents involving primary supply workers are discovered, MoWRAM PMU and their Construction Supervision consultants will require the contractor to request that their primary supplier take the necessary corrective actions. Contractors will periodically check on the implementation of mitigation measures to make sure the primary supplier's corrective actions are on track. If the mitigation measures are found to be ineffective, MoWRAM's PMU will demand that the Contractors switch to other qualified primary suppliers within a reasonable amount of time.

Annex 1 – Worker’s Code of Conduct

The Annex has two Worker’s Code of Conduct (COC). The first is for ESHS and SEA/SH/VAC, and the second is for working with local Ethnic Communities.

1.1 Code of Conduct related to ESHS and SEA/SH/VAC

Instructions:

This Code of Conduct shall be perused and signed by all individual workers who enter direct work contract with a) NPCO, b) NPCO’s consulting firms and service providers, c) contractors who renovate existing HCFs.

I, _____, acknowledge that adhering to environmental, social, health and safety (ESHS) standards, following the project’s occupational health and safety (OHS) requirements, and prevention of Sexual Exploitation & Abuse (SEA)/Sexual Harassment (SH), are important.

I understand that that failure to follow ESHS and OHS requirement, or to partake in activities constituting SEA/ SH -- be it at the project site, the surrounding area of the project site, workers’ camps, or the project communities, including community members and project workers, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution by the Police of those who commit SEA/SH may be proceeded as applicable under relevant Laws.

I agree that while working on the project, I will:

- Carry out my duties competently and diligently.
- Comply with this Worker’s Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other project workers, and any other person and community members.
- Maintain a safe working environment including by:
 - Ensure that workplaces, machinery, equipment and processes under each person’s control are safe and without minimal risk to health and safety of those involved.
 - Use appropriate measures relating to chemical, physical and biological substances and agents; and
 - Follow applicable emergency response procedures.
- Report works situations that I believe unsafe or unhealthy to either project workers and/or community and remove myself and inform those relevant to remove themselves from a work situation which I reasonably believe imminent and dangerous to safety, life and health of those involved.
- Consent, if required, to a background check in any place I have worked for more than six months.
- Attend and actively partake in training courses related to ESHS, OHS, SEA/SH and VAC, as requested by my employer.
- Always wear my personal protective equipment (PPE), as required while at work or engaged in project related activities.
- Take all practical steps to implement the environmental and social management plan (ESMP), which may include OHS Management Plan.

- Abide by a zero-tolerance policy as to SEA/SH/VAC and alcohol consumption during work activities, and refrain from use of narcotics or other substances which can impair worker's expected working ability and judgement.
- Respect women, children (persons under 18 years of age), and the elderly regardless of their ethnic background, language, religion, personal opinions, disability, and/or other socioeconomic status.
- Shall not use language or behavior that are inappropriate to community members and project workers, particularly women, children, and the elderly,
- Shall not commit any sexual abuse and or exploit, and/or sexual harassment of any kinds to community members in the project area and any project workers.
- Shall not engage in sexual harassment of project personnel and staff — for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; in some instances, giving personal gifts.
- Shall not engage in offering any work-related favors such as making promises of favorable treatment (i.e. promotion), or make threats of unfavorable treatment (i.e. loss of job), or make payments in kind or in cash depending on sexual acts — or other forms of humiliating, degrading or exploitative behavior.
- Shall not engage in using prostitution service, and/or hospitality services that may engage labor under 18 years of age -- in any form and at any time during project implementation.
- Shall not participate in sexual contact or activity with children under 18 years of age —including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not considered a defense or excuse.
- Consider reporting through the project's GRM, or to my manager, any suspected or actual SEA/SH deed by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.
- Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation & Abuse, Sexual Harassment, and Violence Against Children (VAC).
- Report violations of this Code of Conduct; and

With respect to children under the age of 18:

- Bring to the attention of my manager the presence of any children on the construction site or engaged in hazardous activities.
- Wherever possible, ensure that another adult is present when working in proximity to children.
- Shall not invite unaccompanied children unrelated to my family into my home unless they are at immediate risk of injury or in physical danger.
- Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography (see also "Use of children's images for work related purposes" below).
- Avoid, in all circumstances, any verbale and/or physical punishment or discipline of children.
- No hiring of children (under 18) in any project activity.

- Comply with all relevant local regulations, including labor law in relation to child labor and forced labor.
- Take appropriate caution when photographing or filming children (see also section below). Photos or films of children should generally not be taken under the project, except for instances showing the benefits or impacts of road works, such as impacts to schools or school safety trainings.

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this, I must explain how the photograph or film will be used.
- Ensure photographs, films, videos present children in a dignified and respectful manner and not in a manner that is vulnerable or submissive. Children should be adequately dressed up and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

Raising Concerns

If any person observes behavior that I believe may represent a violation of this Code of Conduct, or that otherwise concerns me, I will raise the issue promptly. This can be done in either of the following ways:

1. Contact [enter name of the Employer's Social Focal Point] to handle these incidences.
2. Call Employer's telephone (See contact detail at Section 6 of project's Stakeholder Engagement Plan).

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. NPCO will take all reports of possible misconduct seriously, and will investigate and take appropriate action. In case of SEA/SH, NPCO will provide referral to local service provider who will provide support to SEA/SH victims (See also Section 6.4 of project's Stakeholder Engagement Plan).

There will be no retaliation against any person who raises a concern in good faith about any behavior prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

Sanctions

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

- Informal warning.
- Formal warning.
- Additional Training.
- Termination of employment.
- Report to the Police if warranted.

I understand that it is my responsibility to:

Ensure that the Environmental, Social, Health and Safety requirements are met.

Adhere to the Occupational Health and Safety Management Plan

Avoid actions or behaviors that could be construed as SEA/SH/VAC. Any such actions will be a breach to this Workers' Code of Conduct.

I hereby acknowledge that I have perused the foregoing part of this Workers' Code of Conduct, agree to comply fully with the requirements contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, SEA/SH/VAC issues. I understand that any actions that are inconsistent with this Workers' Code of Conduct, or failure to act as mandated by this Workers' Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

1.2 Code of Conduct for Working with Local Ethnic Communities

This Code of Conduct is grounded on the Objectives of the WB's ESS7, which are:

- To ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Indigenous Peoples.
- To avoid adverse impacts of projects on Indigenous Peoples, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts.
- To promote sustainable development benefits and opportunities for Indigenous Peoples in a manner that is accessible, culturally appropriate and inclusive.
- To improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with the Indigenous
- To recognize, respect and preserve the culture, knowledge, and practices of Indigenous Peoples, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

Annex 2 – Reportable Incidents

The following incident types are to be reported using the environmental and social incident response process.

Fatality: Death of a person(s) that occurs within one year of an accident/incident, including from occupational disease/illness (e.g., from exposure to chemicals/toxins).

Lost Time Injury: Injury or occupational disease/illness (e.g., from exposure to chemicals/toxins) that results in a worker requiring 3 or more days off work, or an injury or release of substance (e.g., chemicals/toxins) that results in a member of the community needing medical treatment.

Acts of Violence/Protest: Any intentional use of physical force, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, deprivation to workers or project beneficiaries, or negatively affects the safe operation of a project worksite.

Disease Outbreaks: The occurrence of a disease in excess of normal expectancy of number of cases. Disease may be communicable or may be the result of unknown etiology.

Child Labor: An incident of child labor occurs: (i) when a child under the age of 14 (or a higher age for employment specified by national law) is employed or engaged in connection with a project, and/or (ii) when a child over the minimum age specified in (i) and under the age of 18 is employed or engaged in connection with a project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.

Forced Labor: An incident of forced labor occurs when any work or service not voluntarily performed is exacted from an individual under threat of force or penalty in connection with a project, including any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor-contracting arrangements. This also includes incidents when trafficked persons are employed in connection with a project.

Environmental pollution incident: Exceedances of emission standards to land, water, or air (e.g., from chemicals/toxins) that have persisted for more than 24hrs or have resulted in harm to the environment.

Discrimination based on SOGI: Discrimination means creating a distinction, exclusion, or restriction which has the purpose or effect of impairing or excluding a person based on their real or perceived sexual orientation, gender identity, gender expression, or sex characteristics from being on an equal basis with others.

Sexual Exploitation: Any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. In Bank financed operations/projects, sexual exploitation occurs when access to or benefit from a Bank financed Goods, Works, Non-consulting Services or Consulting Services is used to extract sexual gain.

Sexual Abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. In Bank financed operations/projects, sexual abuse occurs when a project related worker (contractor staff, subcontractor staff, supervising engineer) uses force or unequal power vis a vis a community member or colleague to perpetrate or threat to perpetrate an unwanted sexual act.

Sexual Harassment: Any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. In Bank financed operations/projects, sexual harassment occurs within the context of a subcontractor or contractor and relates to employees of the company experiencing unwelcome sexual advances or requests for sexual favor or acts of a sexual nature that are offensive and humiliating among the same company's employees.

Other: Any other incident or accident that may have a significant adverse effect on the environment, the affected communities, the public, or the workers, irrespective of whether harm had occurred on that occasion. Any repeated non-compliance or recurrent minor incidents which suggest systematic failures that NPCO deems needing the attention of the WB.

For environmental and social incidents

4.A. Form to be completed by NPCO within 48 hours

| B1: Incident Details | | | |
|-------------------------------|--------------------|--|----------------------|
| Date of Incident: | Time: | Date Reported to PIU: | Date Reported to WB: |
| Reported to PIU by: | Reported to WB by: | Notification Type: Email/phone call/media notice/other | |
| Full Name of Main Contractor: | | Full Name of Subcontractor: | |

| B2: Type of incident (please check all that apply) ¹ |
|--|
| Fatality <input type="checkbox"/> Lost Time Injury <input type="checkbox"/> Displacement Without Due Process <input type="checkbox"/> Child Labor <input type="checkbox"/> Acts of Violence/Protest <input type="checkbox"/> Disease Outbreaks <input type="checkbox"/> Forced Labor <input type="checkbox"/> Unexpected impacts on heritage resources <input type="checkbox"/> Unexpected impacts on biodiversity resources <input type="checkbox"/> Environmental pollution incident <input type="checkbox"/> Dam failure <input type="checkbox"/> Other <input type="checkbox"/> |

| B3: Description/Narrative of Incident |
|--|
| <i>For example:</i> <ol style="list-style-type: none"> I. What is the incident? II. What were the conditions or circumstances under which the incident occurred (if known)? III. Are the basic facts of the incident clear and uncontested, or are there conflicting versions? What are those versions? IV. Is the incident still ongoing or is it contained? V. Have any relevant authorities been informed? |

| B4: Actions taken to contain the incident | | | |
|---|-------------------|---------------|--------|
| Short Description of Action | Responsible Party | Expected Date | Status |
| | | | |
| | | | |
| | | | |

For incidents involving a contractor:
 Have the works been suspended under Contract GCC8.9? Yes ; No ;
 Name of Contractor: _____

| B5: What support has been provided to affected people |
|---|
| |

4.B. Form to be completed by NPCO (following investigation)

| C3a: Fatality/Lost time Injury information | | | | | | |
|--|---------|----------------------|--------|-------------|--------------------------|--------------------------|
| Cause of fatality/injury for worker or member of the public (please check all that apply): | | | | | | |
| 1. Caught in or between objects <input type="checkbox"/> 2. Struck by falling objects <input type="checkbox"/> 3. Stepping on, striking against, or struck by objects <input type="checkbox"/> | | | | | | |
| 4. Drowning <input type="checkbox"/> 5. Chemical, biochemical, material exposure <input type="checkbox"/> 6. Falls, trips, slips <input type="checkbox"/> 7. Fire & explosion <input type="checkbox"/> | | | | | | |
| 8. Electrocutation <input type="checkbox"/> 9. Homicide <input type="checkbox"/> 10. Medical Issue <input type="checkbox"/> 11. Suicide <input type="checkbox"/> 12. Others <input type="checkbox"/> | | | | | | |
| Vehicle Traffic: 13. Project Vehicle Work Travel <input type="checkbox"/> 14. Non-project Vehicle Work Travel <input type="checkbox"/> 15. Project Vehicle Commuting <input type="checkbox"/> | | | | | | |
| 16. Non-project Vehicle Commuting <input type="checkbox"/> 17. Vehicle Traffic Accident (Members of Public Only) <input type="checkbox"/> | | | | | | |
| Name | Age/DOB | Date of Death/Injury | Gender | Nationality | Cause of Fatality/Injury | Worker (Employer)/Public |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| C3b: Financial Support/Compensation Types (To be fully described in Corrective Action Plan template) | | | |
|--|-------------------|---------------|-------------------|
| 1. Contractor Direct <input type="checkbox"/> 2. Contractor Insurance <input type="checkbox"/> 3. Workman's Compensation/National Insurance <input type="checkbox"/> | | | |
| 4. Court Determined Judicial Process <input type="checkbox"/> 5. Other <input type="checkbox"/> 6. No Compensation Required <input type="checkbox"/> | | | |
| Name | Compensation Type | Amount (US\$) | Responsible Party |
| | | | |
| | | | |

| C4: Supplementary Narrative |
|-----------------------------|
| |

For SEA/SH Incident

4.C. Incident Form for SEA/SH (to be completed by NPCO within 48 hours)

| B1: Incident Details | | |
|---|---|---|
| Date of incident intake by the project/GM: | Date Reported to PIU: | Date Reported to WBG: |
| Reported to project/GM by: <input type="checkbox"/> Survivor <input type="checkbox"/> Third party <input type="checkbox"/> Other: _____ | Reported to PIU by: <input type="checkbox"/> GM operator <input type="checkbox"/> Directly, by Survivor <input type="checkbox"/> Directly, by third party <input type="checkbox"/> Other: _____ | Reported to WBG by: <input type="checkbox"/> PIU <input type="checkbox"/> Directly, by Survivor <input type="checkbox"/> Directly, by third party <input type="checkbox"/> Other: _____ |
| Is a record of this incident in GM? Yes <input type="checkbox"/> No <input type="checkbox"/> | | |

| B2: Incident type (please check all that apply) See Appendix 1 for definitions |
|---|
| Sexual exploitation <input type="checkbox"/> Sexual abuse <input type="checkbox"/> Sexual harassment <input type="checkbox"/> |

| B3: Provide the following details from the GM record | |
|--|---|
| Age of survivor (if recorded in GM): | Have the national legislation or mandatory reporting requirements been followed? Yes <input type="checkbox"/> No <input type="checkbox"/> |

| | |
|---|---|
| Sex of survivor (if recorded in GM): Male <input type="checkbox"/> Female <input type="checkbox"/> Other <input type="checkbox"/> | Was the survivor referred to service provision? ²⁹ Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Is the survivor employed by the project (as indicated by the survivor or complainant and reported in the GM)? Yes <input type="checkbox"/> No <input type="checkbox"/> | Is the alleged perpetrator employed by the project (as indicated by the survivor or complainant and reported in the GM)? Yes <input type="checkbox"/> No <input type="checkbox"/> |

| B4: Basis for further action | |
|--|--|
| a. Has the complainant provided informed consent to lodge a formal complaint? Yes <input type="checkbox"/> No <input type="checkbox"/> | c. Has the survivor provided informed consent to be part of an investigation into misconduct? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| b. Does the employer have a suitable administrative process and capacity in place to investigate misconduct relating to SEA/SH in a survivor-centered way? Yes <input type="checkbox"/> No <input type="checkbox"/> | d. Has the complaint been filed anonymously or through a third party? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| If the answer to any of these questions is no, has the GM assessed the risks and benefits of carrying out an investigation into the alleged misconduct, taking into account the survivor's safety and wellbeing? Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Will an investigation into misconduct be undertaken in addition to an investigation into adequacy of project systems, processes or procedures? Yes <input type="checkbox"/> No <input type="checkbox"/> | |