

**INDIA**

**Government of Meghalaya**

**Planning, Investment Promotion & Sustainable Development  
Department (PIP&SDD)**

**Meghalaya Multisectoral Project for Adolescent  
Wellbeing, Empowerment and Resilience (MPOWER)**

**With The World Bank Assistance (P507066)**

**Draft**

**Labour Management Procedures  
(LMP)**

**Draft Report  
4<sup>th</sup> August 2025**

## Annexure 2: Labour Management Procedures

The purpose of the Labour Management Procedures (LMP) is to identify the main labour requirements and related risks associated with the project and to determine the resources necessary to address project-related labour issues. The LMP aims to provide a clear understanding of what is required on a specific labour issue to different project-related parties, including staff of the State Project Management Unit (SPMU) and sub-Project Management Units (Sub-PMUs) set up under the Department of Education (DoE), Department of Health and Family Welfare (DoHFW), and Department of Sports and Youth Affairs (DoSYA), District Project Management Units (DPMUs), Consultants for Design and other Studies, the Contractors and their sub-contractors and other workers of the project. It sets out the approach to meet all national and state requirements as well as the World Bank Environmental and Social Framework, specifically Environmental and Social Standard 2: Labour and Working Conditions.

### 1.1 Project Workers

The table below provides an estimate of project workers for MPOWER. These estimates are made based on the information available on likely interventions and investments.

Table1: Number of Project Workers

S. No.	Type of Project Workers	Estimated number
<b>1</b>	<b>Direct Workers with PMU and 3 Sub-PMU</b>	
1.1	State PMU – MBMA Staff (11+9 = 20) 11 MBMA Staff and 9 Project Lead	20
	Sub-PMU – MoE (6), MoH (6) and MoSYA (6)	18
1.2	Implementation (12 DPMU – 3*12 = 36) CMCY coordinator 20 1000 Youth Facilitators (one for 3 to 4 villages)	36 20 1000
<b>2</b>	<b>Contracted Workers</b>	
2.1	Construction Workers – 50 Persons comprising skilled, semi-skilled and unskilled workers.	50
2.2	Consultants for Project Preparation and other studies (e.g., POM, ESIA, Institutional /Organization Studies, Baseline Studies, NGO, Communication agencies, etc.)	25
<b>3</b>	<b>Primary supply workers</b>	10
	TOTAL	1,179

#### 1.1.1 Characteristics

The Project Workers are grouped into the applicable categories as below:

1. Direct Workers
2. Contracted Workers (Construction workers and Consultants for various studies)
3. Primary Supply Workers (when applicable)

- **Direct Workers:** The Direct Workers will be the personnel (both regular government staff and contracted staff) of PMU (MBMA), Sub-PMUs (DoE, DoH, DoSYA) and DPMU. These direct workers will be stationed at State Project Management Unit (PMU) at Shillong and at Sub-Project Management Units (Sub-PMUs) at the state and at District Management Unit at district level and at Block and Village level. Implementation stage: Project will contract Project Managers to assist PMU and District Coordinators and Financial Officers at DPMUs, CMCY Coordinators and Youth Facilitators at Block/Village level to implement the project activities. These multidisciplinary consultants/professionals over the project implementation phase would be engaged initially for a period of 6 years. These workers will be technically qualified with a minimum age of 18 years. The workers deployed will be a mix of persons from Meghalaya and other states. Also, PMU will contract implementation NGOs if required, to support vulnerables. These are included under the direct workers.

**Contracted Consultants:** The project requires different types of consultancy services for various stages of the project

- Preparation and Implementation stages: These include preparation of POM and other studies, Baseline studies, etc. SPMU will contract different consultancy firms to undertake all such studies. The contracted consultancy firms for such studies are expected to deploy multidisciplinary consultants/professionals over the project preparation as well as implementation phase as per project requirement. These contracted consultants (workers) will be technically qualified with a minimum age of 18 years. The workers deployed by consultancy firms will be largely a mix of personnel from Meghalaya and migrants from outside of Meghalaya, meeting the work requirements.

**Contracted Workers:** This category comprises the following sub-categories of Contracted Workers:

- a. **Construction Workers:** The project does not include any new construction or renovations. However, there may be some minor rehabilitation of infrastructure. The civil works under the project may require semi-skilled and unskilled workers or labour that will likely constitute nearly 95% of contracted workers, whereas skilled work supervisors and technicians will constitute about 5%. The majority of the skilled and unskilled workers are likely to be from within Meghalaya. These workers will not require any camps. These workers will be normally sourced through registered labour contractors with a labour

license as a standard operating practice. The age of the technically qualified and or skilled contract workers can range between a minimum of 18 years and maximum 60 years, whereas the age of unskilled workers can range between 18 to 50 years. About 5-10% of the unskilled workers are expected to be women.

**Primary Supply Workers:** The primary suppliers for the project will mainly be construction material suppliers, electrical and medical equipment suppliers, IT and communication equipment suppliers etc. The number of Primary Supply Workers will be around 10.

### 1.1.2 Duration and Timing of Labour requirements

Most Direct Project workers are expected to continue throughout the project implementation period, with some intermittent short-term consultants. The project will be implemented all districts in Meghalaya. However, deployment of contracted workers for any construction related activities will be need based. The PMU/DPMU/YF will be engaged from the first year itself. Anticipated deployment, location, duration of project workers is given in below table.

Table 2: Anticipated Deployment and Location of Project Workers

S. No.	Type	Number	Locations	Duration	Skill Level
1	<b>Direct Workers</b>	11 - PMU (MBMA) 18 - Sub-PMU 9- PMU	At Shillong	Throughout Project Period	Executive and Supervisory /Managerial/ Technical level
		DPMU - 36 Block - 20 Cluster Level - 1000	DPMU offices in districts;	Throughout Project Period	Executive and Supervisory /Managerial/ Technical/ Skilled level
2	<b>Contracted Workers</b>				
a)	Construction Workers	50	Construction locations/ and construction or upgradation of facilities across 12 districts	6-years	Varied (Executive and Supervisory/ Managerial, skilled, semi-skilled and unskilled labour)
b)	Consultants for Project Preparation and other studies (e.g. DPR, ESIA,	25	PMU at Shillong, districts within State and at respective Consultants	6-years	Executive Supervisor / Managerial and Subject specialists

	Institutional Strengthening/Organization Studies, Baseline studies, etc)		corporate office, elsewhere		
3	Primary Supply workers	10		Throughout Project Period	Executive Supervisor / Managerial and Subject specialists
	<b>Total Workers</b>	1,179			

## 1.2 Information on Contracted Workers

PMU, through its DPMUs will maintain information on engagement of contracted workers of all categories. The contractors will be contractually obligated to maintain updated information on all categories of contracted workers, especially migrant construction workers, if any and periodically share the same with respective DPMUs, which in turn will be available with the PMU. The format for submitting information on all contracted workers will be finalised during mobilization phase of the contractor. However, it is estimated that there will be about 75 contracted workers; 50 workers with contractors and 25 workers with consultants. These workers will be local as the kind of skills needed for contractors and consultants both are available locally. If any contractor/ consultants bring in workers from other states, the provisions of Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 will be applied; such as registration under the Act, information about the workers to local police, advance payment of return fare to place of origin, etc.

## 2. Key Potential Labour Risks Assessment

### 2.1 Project Activities

The project will involve civil works in the following areas<sup>1</sup>:

The activities include the following:

- Retrofitting facilities of existing Youth clubs/Centres involving repair, structural strengthening, and additional facilities (toilets, etc.) and design suitable for the vulnerable people (elderly, women, differently abled, children etc.);
- Site clearance activities including clearing and grubbing;

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<sup>1</sup> Estimated numbers and areas to be determined in more detail in the ESMP to be prepared for the activities/works.

- Procurement of construction materials, stacking and transportation to work sites;
- Plastering, whitewashing and painting;
- Collection, transportation and disposal of all construction debris at approved locations;
- Fittings and Furnishings;
- Equipment installation.

## 2.2 Key Labour Risks

Following are the potential risks associated with workers/labours engaged in construction works.

- Child and Forced Labour.* The problem of child labour is very common in the entire state of Meghalaya. Since the state of Meghalaya is predominantly agrarian, children help their parents in the fields and farms and hence are mainly concentrated in agricultural activities.
- Migrant and Seasonal Labour.* The project may attract labours from other districts of Meghalaya.
- Occupational health and safety.* Given the nature of these works, risk relating to occupational health and safety requirements will not be significant. Though the OHS risks are minor, the contractors need to include these in the ESMP to be prepared including PPE for safety, Water and sanitation facilities for workers, etc.
- Sexual exploitation and abuse/sexual harassment.* Given the nature of activities involving the participation of women in works and works in proximity to habitations, there could be risk of gender-based violence, sexual abuse and sexual harassment, ill-treatment and exploitation.
- Labour influx.* Though labour influx is likely to be low as will require small number of labor employed locally, it would entail the following risks:
  1. Unclear terms and conditions of employment (particularly for unskilled construction workers/labor)
  2. Denial for workers' rights to form workers organizations, etc. (particularly for unskilled construction workers/labor)
  3. Absence of a grievance mechanism for labor to seek redressal of their grievances/issues
  4. Health risks of labour relating to drugs, HIV/AIDS and other sexually transmitted diseases.

Management of labour risk risks, OHS risks and related issues arising during construction will be the contractors' responsibility. Under ESS2, the Government of Meghalaya will require that all contractors engaged on the project operate in a manner consistent with the requirements of the ESSs, including the specific requirements set out in the ESCP. The Government will manage all contractors in an effective manner, including: (a) Assessing the environmental and social risks and impacts associated with such contracts; (b) Ascertaining that contractors engaged in

connection with the project are legitimate and reliable enterprises, and have knowledge and skills to perform their project tasks in accordance with their contractual commitments; (c) Incorporating all relevant aspects of the ESCP into tender documents; (d) Contractually requiring contractors to apply the relevant aspects of the ESCP and the relevant management tools, and including appropriate and effective non-compliance remedies; (e) Monitoring contractor compliance with their contractual commitments.

The OHS and CHS requirements under MPOWER will be specified and incorporated as special conditions and performance requirements in all bid documents of concerned contract packages. Cost provisions for implementing OHS & CHS requirements will be built into the item rates, so that contractor can perform requirements fairly and objectively. In addition, 2% of contract amount will be earmarked as OHS & CHS performance security in the bidding documents. The section on Responsible Staff and Contractor Management provides more details. The contractor will prepare a activity specific ESMP.

### 3. Overview of Labour Legislation: Terms and Conditions

#### 3.1 Regulatory Framework

India is currently in the process of consolidating all labour laws into four comprehensive Labour Codes which regulate: (i) Wages, (ii) Industrial Relations, (iii) Social Security, and (iv) Occupational Safety, Health and Working Conditions. These Codes have been passed by Parliament and have received Presidential Assent. Draft National Rules for operationalising the Codes have been circulated for comments but have not been passed yet. Since labour falls under the Concurrent list, both, the central and state governments are empowered to legislate on the subject. This means that Meghalaya could enact Rules to operationalise the Codes, but the state is yet to frame the Rules and notify them. Thus, for implementation of these Codes, Rules under these must be notified by central as well as the GoM for enforcing these in the state; until such time, the existing labour laws will be applicable.

1. Chapter 6 summarizes the present national and state labour legislation and international conventions with reference to terms and conditions of work, compensation and benefits as applicable for this project. The key aspects are given below:
2. **Minimum Wages**  
Minimum wages for various trades are determined and notified periodically (annually or quarterly) by the respective District Labour Commissioners, in accordance with the provisions of the *Minimum Wages Act, 1948*. Employers are required to ensure that all workers are paid wages not less than the rates prescribed for their respective categories and locations.
3. **Deductions from Wages**  
As per the *Payment of Wages Act, 1936*, no unauthorized deductions shall be made from the wages of workers. Any permissible deductions must be made

in accordance with the provisions of the Act and must be duly recorded in a register maintained for this purpose. Workers must be informed of such deductions.

**4. Statutory Benefits**

All statutory benefits mandated under applicable labour laws (such as the *Employees' Provident Funds and Miscellaneous Provisions Act, 1952* and the *Employees' State Insurance Act, 1948*) must be provided to eligible workers. This includes, but is not limited to, contributions to provident fund, insurance benefits, and other welfare provisions.

**5. Working Hours and Weekly Rest**

In accordance with the *Factories Act, 1948* and/or the *Shops and Establishments Act* (as applicable), the standard working hours shall not exceed 8 hours per day. Workers are entitled to a weekly day of rest, which shall be determined in consultation with the workers and communicated clearly.

Based on the above regulations the contracts issued to the workers by contractors should mention the following:

1. Name of Worker, Address, Contact Details
2. Age, Gender
3. Category of Worker and Trade
4. Duration of Contract
5. Terms of the Employment
6. Remuneration, Wages to be paid, Overtime rates, Other Allowances to be paid, Deductions
7. Working Hours and Holidays
8. Accommodation and other facilities
9. Sickness and Disability provision
10. Insurance applicable
11. Termination, Notice Period, Compensation and Benefits
12. Code of Conduct to be followed and Restrictive obligations
13. GRM available, Choice of law and jurisdiction
14. Confidentiality

## **4. Overview of Labour Legislation: Occupational Safety and Health**

There is no major civil work under the project, and it is limited to minor repair, renovation and retrofitting, the occupational health and safety risks largely emerge from the minor civil works under the project. The key occupational health and safety guidelines specific to dealing with construction workers is provided in:

**4.1 [National Policy on Safety, Health and Environment at Workplace \(NPSHEW\), 2009](#)**



The GoI's National Policy seeks continuous improvement in Occupational Safety, Health and Working Conditions at workplaces. The policy objectives are to achieve: (a) Reduction in incidence of work-related injuries, fatalities, diseases, disasters, and loss of national assets; (b) Comprehensive data base for facilitating better performance and monitoring; (c) Enhancement of community awareness regarding safety, health and environment at workplace related areas; (d) Continually increasing community expectation of workplace health and safety standards and (e) Improving safety, health and environment at the workplace by creation of "green jobs" contributing to sustainable enterprise development.

#### 4.2 Code on Occupational Safety, Health and Working Conditions, 2020

The Government of India, through the Ministry of Labour and Employment has prepared a Code on Occupational Safety, Health and Working Conditions, 2020 by amalgamating 13 existing labour laws/acts, including The Contract Labour (Regulation and Abolition) Act, 1970, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. The OSH Code includes provisions on safety and health and working conditions, provisions of PPEs, protocols for reporting accidents, awareness and toolbox meetings/guidance sessions to prevent accidents at workplace, welfare provisions for employees at work sites, leave provisions and hours of work.

In the case of contract workers, the Code will apply to establishments or contractors employing fifty or more contract workers (on any day in the last one year) as opposed to twenty (as given in the earlier Act). In the case of interstate migrant workers, Code will apply to establishments or contractors employing ten or more inter-state migrant workers as opposed to five (as given in the earlier Act). The Code also provides certain benefits for inter-state migrant workers. These include: (i) option to avail the benefits of the public distribution system either in the native state or the state of employment, (ii) availability of benefits available under the building and other construction cess fund in the state of employment, and (iii) insurance and provident fund benefits available to other workers in the same establishment. **The Meghalaya Rules for the Code are yet to be drafted and notified to make this Code operational.**

#### 4.3 The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 and Rules

The Central Building and Other Construction Workers' Act, 1996 and The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 and Rules, mandate the employer to ensure safety at work sites through use of appropriate safe practices for working, provision and use of safety gear, provision of PPEs, housing accommodation with facility for bathing, washing, periodic health checks, drinking water facilities and sanitation facilities at work sites, canteen for workers, siting criteria for establishing canteen, separate toilets for males

and females, first aid facility at camps sites and work sites, day creche facilities, among others. The Contractors will register all unskilled workers under this act to access various benefits from the Government. The contractors will pay the subscription for registration of workers. PMU will include this in the bid documents as well.

#### 4.4 Enforcement Agencies

At state level, Commissioner, Labour Welfare will be responsible for enforcing both labour and OHS legislations. And at district level Assistant Labour Commissioners are responsible for enforcing both labour and OHS legislations. Labour inspector from the Department of Labour Welfare may visit and inspect the site to enforce legal provisions related to conditions of work and protection of workers, and supply technical information to comply with these provisions, and to bring the same to the notice of the Competent Authority any defects or non-compliance with these provisions specifically not covered by the contractors. The contractors will submit the half yearly compliance reports to Assistant Labour Commissioner at District Labour Welfare Office.

Notices showing the rates of wages, hours of work, wage periods, dates of payment of wages, names and addresses of the Labour Inspectors having jurisdiction, and date of payment of unpaid wages, shall be displayed in English and in Hindi and in the local language understood by the majority of the workers in conspicuous places at the establishment and the work-site by the principal employer or the contractor, as the case may be. These will also form part of the Terms of Contract to be issued to every worker.

### 5. Responsible Staff

Staff of the following agencies shall be responsible for the following activities:

MBMA - MBMA has set up a PMU at its headquarters in Shillong, headed by the Project Director (at the level of Principal Secretary/Secretary). Additional Project Directors (APDs) from DoE, DoHFW, and DoSYA. Sub-PMUs in the DoE, DoHFW and DoSYA will work under the overall supervision and guidance of the respective departmental APD. The HR and Admin Manager of MBMA part of PMU will hold the overall responsibility for implementation, monitoring and reporting of the LMP covering project workers, contract workers, and the primary supply workers (when applicable). The HR and Admin Manager of MBMA will be responsible for providing guidance and advice to the key focal persons for social and environmental management in the PMU, in overseeing the implementation of the LMP and compliance with LMP provisions.

The PMU will also engage Project Managers with expertise in environmental, social, occupational health and safety issues throughout the project period, and will be responsible for the following:

- Implement this LMP;
- Ensure that civil works contractors comply with these LMP, and also adhere to occupational health and safety measures;
- Ensure the contracts with the contractors are developed in line with the provisions of this LMP and the project's ESMF;
- Monitor to verify that contractors are meeting labour and OHS obligations toward contracted and subcontracted workers;
- Monitor contractors and subcontractor's implementation of LMP;
- Monitor compliance with occupational health and safety standards at all health care facilities and all workplaces;
- Monitor and implement training on LMP and OHS for project workers;
- Ensure that the grievance redress mechanism for the project is established and implemented and workers are informed of its purpose and how to use it;
- Have a system for regular monitoring and reporting on labor and occupational health and safety performance;
- Monitor implementation of the Worker Code of Conduct.

## 5.1 Engagement and management of Project workers

All direct workers engaged at PMU and Sub-PMUs will be managed by and overseen by the respective heads with the support of specialists in the PMU and Sub-PMU. The PMU will be responsible for the overall implementation and oversight of the LMP. The HR & Admin will be supported by the DPMU. The Project Manager at PMU will be responsible for organizing the training of workers and workers grievance management.

At the district level, the PMU will be supported by the DPMU offices in charge of implementation. The District Coordinator will be responsible for the engagement and management of contractors and sub-contractors during the retrofitting/upgradation works under the project. The District Coordinator will responsible for tracking and resolving workers' grievances.

At the field level, every contractor will be mandated and responsible for workers' health, safety and welfare at the construction site. The OHS measures will be stipulated in the site-specific ESMP.

Table 3:Engagement and Management of Project Workers and key LMP provisions

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Key Actions by the Responsible Staff
<b>Direct Workers</b>	Direct Workers will be the personnel (both regular staff and contracted staff) of PMU, Sub-PMU and DPMU	PD and APD through HR & Admin Manager (MBMA)	<ol style="list-style-type: none"> <li>1. Ensure that all employees are above the age of 18 years, or if they are between 14 and 18, that work is provided in compliance with national law and ESS2.</li> <li>2. Ensure that no children under 14 years of age will be engaged for any kind of work.</li> <li>3. Ensure the consultants engaged for work related to core functions of the project, if hired directly by the project, are governed by the policies of Government of Meghalaya/India and in the case of any firm, the consultants will be governed by the policy of the firm.</li> <li>4. Address any gap between national legislation and ESS2 and addressed them in line with ESS 2.</li> <li>5. Adhere to LMP requirements of OHS &amp; CHS and forced labour.</li> <li>6. Ensure that contractors (including sub-contractors) working under the project will not engage in child labour and forced labour (all forms), including bonded labour (working against an impossible debt), excessive restrictions for freedom of movement, or inordinately long notice periods. This will be ensured through <ol style="list-style-type: none"> <li>i) inclusion of CoC (Code of Conduct) in the contract documents;</li> <li>ii) OHS &amp; CHS performance requirements on handling workers and community.</li> </ol> </li> </ol> <p>Establishing grievance mechanism for workers and community</p> <p>There would be written contracts for each worker.</p> <p>The wages will be paid directly and payment of wages to Labor contractors will be avoided.</p> <p>Consultants engaged exclusively for the project will be governed by the following provisions:</p> <ol style="list-style-type: none"> <li>1. Ensuring that all employees are above the age of 18 years.</li> <li>2. Under no circumstances children less than 14 years of age will be engaged for any kind of work and is a prohibited activity as per GOI norms.</li> </ol>

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Key Actions by the Responsible Staff
			<p>3. The consultants will be governed by the policy of the firm.</p> <p>Any gap identified between the firm's policy and the requirements of ESS 2, will be addressed in line with ESS 2.</p>
<b>Contracted Workers</b>	Construction Workers (performs skilled/ semi-skilled/ unskilled work as required by the activity under the supervision of Contractors' staf)	District Coordinator, DPMU	<p>Ensure at the district level that contractors (including sub-contractors) working under the project will not engage in child labour and forced labour (all forms), including bonded labour (working against an impossible debt), excessive restrictions for freedom of movement, or inordinately long notice periods.</p> <p>This will be ensured through</p> <ul style="list-style-type: none"> <li>i) inclusion of CoC (Code of Conduct) in the contract documents;</li> <li>ii) OHS &amp; CHS performance requirements on handling workers and community.</li> </ul> <p>Establishing grievance mechanism for workers and community</p> <p>There would be written contracts for each worker.</p> <p>The wages will be paid directly and payment of wages to Labor contractors will be avoided.</p>
	Consultants for Project Preparation and other studies (e.g. POM, DPR, Institutional Strengthening/ Organization Studies, Baseline studies, communication etc.)		<p>Consultants engaged exclusively for the project will be governed by the following provisions:</p> <ul style="list-style-type: none"> <li>4. Ensuring that all employees are above the age of 18 years.</li> <li>5. Under no circumstances children less than 14 years of age will be engaged for any kind of work and is a prohibited activity as per GOI norms.</li> <li>6. The consultants will be governed by the policy of the firm.</li> </ul> <p>Any gap identified between the firm's policy and the requirements of ESS 2, will be addressed in line with ESS 2.</p>
<b>Primary Supply workers</b>	Workers involved with primary suppliers and involved in	PD and APD through HR & Admin Manager (MBMA)	<p>1. Under no circumstances, the primary suppliers and their workers working under the project will engage child labour and forced labour (all forms) including bonded labour (working against an impossible debt), excessive restrictions for</p>

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Key Actions by the Responsible Staff
	providing goods and services for the core functions of the project		<p>freedom of movement, inordinately long notice periods</p> <p>2. In case there are significant risk of serious safety issues related to primary supply workers, introduce procedures and mitigation measures to address such safety issues through</p> <p>i) inclusion of CoC (Code of Conduct) in the contract documents;</p> <p>ii) OHS performance requirements on handling workers</p> <p>iii) Establishing grievance mechanism for workers</p> <p>iv) Other site-specific measures</p>

## 5.2 Occupational Health and Safety (OHS)

Given there is no major civil work under the project, and it is limited to minor repair, renovation and retrofitting, equipment installation. The occupational health and safety risks largely emerge from the pandemic like situations and with minor civil works under the project. The key occupational health and safety guidelines specific to dealing with construction workers is provided in 'The Building and Other Construction Workers (Regulation of Employment and Condition of Services) Central Rules, 1998' and now in the process of being further updated with labor law reforms through 'The Occupational Safety, Health and Working Conditions Code, 2019 bill in the parliament which consolidates and updates codes for 13 odd labor laws in the country. The responsible persons for OHS are primarily the Labour Welfare Officers of the Contractors and at the project end the PD, APD and the District Coordinators.

## 6. Policies and Procedures

Policies and Procedures are listed under the following sub-headings: i) Incidents and Accident related; ii) Labour influx and GBV/SEAH related; and iii) Occupational Health and Safety related.

### 6.1 Incidents and Accident Notifications

The contractor will promptly notify to the DPMU within 24 hours any incident or accident related or having an impact on the Project which has, or is likely to have, a significant adverse effect on the environment, tangible cultural heritage, the affected communities, the public or workers. They will provide sufficient detail regarding the incident or accident, indicating immediate measures taken to address it, and

including information provided by any contractor and supervising entity. Further, the DPMU will appraise this to PMU and the World Bank.

The mitigation measures for the accident risks are a) provision of appropriate PPE, b) good housekeeping, c) proper maintenance of tools and equipment, d) adequate training, etc. after conducting a proper Hazard Identification and Risk Assessment for each activity.

## 6.2 Labour Influx and GBV/ SEAH

Project interventions related to construction/upgradation works will involve construction contracts that utilizes largely workers who will be employed through locally. Hence the labour risks associated with the contract work is expected to be low.

Safety of women and girls from any sexual exploitation and abuse (SEA) and sexual harassment (SH) and mechanism to access redressal services such as services provided by One Stop Centre (OSC), Women Helpline (181), Child Helpline (1098), Child Care Institutions, District Child Protection Units (other state-sponsored and non-governmental institutions/services, etc. among others. Among other things the project should take up a mapping and capacity assessment exercise of GBV service providers and their referral mechanisms, and further strengthen the GBV framework.

## 6.3 Hazard Identification and Risk Management

**Hazard Identification:** For effective prevention of incidents and safety of workers and community, it is essential first to identify all potential hazards and risks associated with construction activities, material handling, handling of hazardous substance (like fuel, oil and paints, gas cylinders use which are flammable in nature), electrical work and unforeseen events like COVID-19 pandemic.

Hazards like fire and exposure to dust etc., which can affect community will be identified and measures defined for community awareness and protection.

**Hazard Risk Management:** Hazards identification will be followed with pre-defined measures for its effective management for the protection of workers and community. It will cover the following

- **Work Zone Classification:** Classify the work zone depending on risk intensity into low and high-risk areas. Define restriction for accessibility to high risk area. Only authorized persons will be permitted to move in the high-risk area. Provision will be made for adequate signage for notifying high risk areas with awareness signage about risk associated and preventive measures required. Responsibility will also be defined for ensuring adherence to restriction and cautions required for working in high risk areas. (Safety Officer, appointed for the project will be responsible)



- **Task Specific Hazard Prevention:** Procedure and guidelines will be defined as per best industry practices and legislative requirement if any applicable for task specific hazard prevention and safety such as precautions for working on height requiring which will require provision of safety belts, safety harness, helmets and presence of rescuers.
- **Injury Management:** define responsibility and action sequence including availability of first aid boxes and first aid providers/attenders. Location and contents of first aid box will be defined.
- **PPE & Hand Tools:** detailed listing will be made about nature of PPE and hand tools required and ensuring its availability. Method will also be defined for ensuring use of PPE by the workers. Provision of helmet, boots, hand gloves will be made for everyone without which entry to the construction site shall not be allowed.

#### 6.4 Staff Health & Fitness on duty

Maintain a roster of workers/staff at work site indicating their health condition and symptoms and ensure screening procedures (non-physical temperature measurement) at work sites. Also list the measures for fatigue management, ergonomics, and alcohol and drugs use prevention.

#### 6.5 Hygiene and Sanitation

Adequate attention will be given for workplace and labour camp (if any) Hygiene. To make sure for availability of clean and hygiene eating place with availability of safe drinking water at workplace and labour camp. Similarly, adequate provision to be made for clean toilets with sewage treatment (provision of septic tanks), and segregated collection and safe disposal of domestic wastes.

#### 6.6 Incident and Emergency Management and preparedness

Make sure to define procedure for incident and emergency management including investigation of any accident and its analysis to suggest appropriate corrective/preventive actions, responding and management of COVID-19 risks. Adequate provision will be made for the availability of First Aid, Ambulance, Safety and Health representative and additional resources and coordination with local authority(s) to respond to COVID-19 situation.

#### 6.7 Responsibility

Prime responsibility of developing and implementation of OHS procedures will be of the Contractor. Contractor will also depute personnel to work at site. All applicable legislation will be identified and compiled by contractor. PMU in consultation with



contractor will develop OHS procedures on aspects detailed above and ensure its implementation from the contractor. Contractor will share the OHS monitoring reports with respective DPMU and concerned Department on regular basis based on the monitoring checklists given in Annexure 4. The DPMU will in turn share quarterly reports on Work Progress including such plans to PMU, which in turn, will share consolidated compliance report in line with ESMP and ESCP to the World Bank on quarterly basis. Corrective and preventive actions, where required for maintaining environment quality will be reported in the subsequent quarterly monitoring report.

## 6.8 Primary Suppliers

The project will engage primary suppliers for procurement of material, equipment, IT equipment, etc. Where there is a significant risk of serious safety issues related to primary supply workers, the PMU will require the relevant primary supplier to introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness.

## 7. Age of Employment

**Direct Workers:** The Direct workers will be technically qualified, with ages ranging between a minimum of 18 years and a maximum of 60 years. The direct workers drafted to MPOWER from MBMA, DoE, DoH and DoSYA will be GoM employees, whose credentials would be duly verified by GoM, at the time of recruitment itself.

**Contract Workers:** The age of the technically qualified and or skilled contract workers can range from a minimum of 18 years to a maximum of 60 years, whereas the age of unskilled workers can range between 18 to 50 years and in no case, it can be expected to exceed 60 years.

Age of the personnel deployed by any Consultancies could be verified by PMU through valid documents like AADHAR Card /Voter Card/Passport/Valid Driving License.

The age of the skilled and unskilled personnel deployed by Contractor could be verified by DPMU through valid documents like AADHAR Card/Voter Card/Passport/Valid Driving License. In exceptional cases, where the unskilled worker(s) are unable to produce valid age proof documents for whatsoever reason, the age could be ascertained through medical examination by competent medical authority at Government hospital at the expense of Contractor.

Under no circumstance, children less than 14 years of age will be engaged in any kind of work and is a prohibited activity as per GoI and state government norms, including World Bank's ESF. The same is in accordance with the Child Labour Prohibition Act, 1986 and Child Labour (Prohibition and Regulation) Amendment Rules framed thereunder. In case it is detected by DPMU/ Concerned Department / officials,

contractor will be immediately issued show cause notice for termination of contract and matter will be duly reported to the district labour office. The contractor needs to collect Adhaar Card details of each worker employed and these details need to be submitted to the DPMU and Labour Commissioner on a monthly basis. Based on the Adhaar Card details, the DPMU/ labour commissioner will identify persons under the age of 18. The DPMU will report to labour commissioner, if there is any child labour. Under the Child Labour Tracking System of the Ministry of Labour, each Labour Commissioner have formed Flying Squads with Police, Labour Officers and NGOs as members. These Flying Squads would conduct surprise inspections to all labour licensee sites and will identify child labour, if any. The rescued children will be sent for rehabilitation. A case will be booked on the contractor for further prosecution and legal action.

**Primary Supply Workers:** In case of primary suppliers for construction materials, equipment, IT equipment, etc. shall be required to carry out due diligence procedure to identify if there are significant risks that the vendors/suppliers are exploiting child or forced labour or exposing workers (14-18 years) to serious safety issues as well as to introduce provisions of relevant acts in the bid and contract documents. In case, any lapses in the implementation of this LMP are detected by DPMU/ Concerned Department /officials, contractor will be immediately issued show cause notice for termination of contract and matter will be duly reported to the district labour office.

## 8. Terms and Conditions

### 8.1 Specific Wages

**Direct Workers:** The Direct workers engaged for MPOWER from MBMA, DoE, DoH and DoSYA are government officers, whose salary and other emoluments will be in conformity to the Rules and Regulations as issued by the Department of Human Resources Management, GoM.

**Contracted Workers:** The wages of consultants/ personnel deployed by the PMU and DPMUs, other consultancy firms for various studies, are contracted services and determined through two-stage competitive bidding (technical and financial) procedure and determined by prevalent market rates and normally expected to be higher than state government wages.

The wages of technically qualified, skilled, unskilled workers, to be engaged by the Contractor are determined by the Department of Labour and Employment, subject to the provisions of Minimum Wages Act, 1948. There will not be any discrimination of wages paid to male and female workers and same wages will be paid for equivalent work to all workers in conformity with the provisions of the Equal Remuneration Act, 1976.

## 8.2 Work Hours and Maximum Number of Work Hours

The Direct workers at the PMU, DPMUs and concerned Department will work as per State Government Rules, which will be in compliance with the relevant notification by the Department of Human Resources Management, GoM. The work hours for contracted workers will not be more than 8 hours per day 48 hours per week with 2<sup>nd</sup> and 4<sup>th</sup> Saturdays as official holiday. However, in case of being an emergency service provider the officials are required to be present in the headquarter and district offices when required, at such times, person working at the state emergency operation centre are required to work for 24 hour service in a shift-wise manner. Any contracted workers, made to work in excess of the same will be entitled to wages at double the ordinary rates of wages in accordance with Part-IV Hours of work, Welfare, Payment of Wages Registers and Records etc. Chapter XXVI Rule 234 of Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Meghalaya Rules, 2017.

## 8.3 Specific Terms and Conditions

The following terms and conditions will need to be added to the contracts issued by contractors to the workers.

- No contracted worker will be required or allowed to work continuously for more than five hours unless he had an interval of rest of not less than half an hour.
- The working day of contracted workers will be so arranged that inclusive of the intervals of rest, if any will not spread over more than twelve hours on any day.
- Subject to provisions of Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Meghalaya Rules, 2017, every worker will be allowed a day rest every week, which will ordinarily be Sunday, but the contractor will fix any other day of week as the rest day.
- No worker will be made to work on any day, which has been notified by Central or State Government in the official Gazette as a Gazetted holiday or any day, which is declared as National Holiday.
- All categories of contract workers particularly unskilled workers can be directly engaged by the contractor or sourced through labour contractors. In such cases, the labour contractor shall have valid registration and licence with the competent authority in Meghalaya.
- All wages to contracted workers, especially for unskilled workers are to be paid directly by the Contractor, even if the unskilled workers are engaged through labour contractors or any sub-contractors. All payments to the labourers will be done directly by the main contractors instead of routing through labour contractors. If not, the main Contractor confirms to the DPMUs, on a periodic basis, that payments have been in time to all workers and keeps payslips for monitoring purposes.

- Any denial in and/or untimely payment of wages to workers will render the contractor liable to an action before the relevant Labour court/Industrial Tribunals under the Legislations mentioned above.
- Conditions of employment for skilled and unskilled workers will conform to Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Meghalaya Rules, 2017.
- Under no circumstances, child labour or forced labour (in any form) shall be engaged, as these are prohibited under National and State Government Norms.
- Contractor will also be liable to be prosecuted in his personal capacity under the provisions of Indian Penal Code 1860 and other Penal legislations before criminal courts in case of gross negligence and dereliction of duty or contraventions of any such statute resulting in death or injury of the workers.
- In respect of COVID-19, project would be governed by the Guidelines and SOPs issued by GoM and GOI from time to time. The guidelines and SOPs stagger the arrival and departure of employees; lunch breaks; downloading and installation of Aarogya Setu app, etc. The contractor will strictly adhere to these COVID-19 SOPs and Guidelines of GoM and GoI at all construction sites, which specially cover migrant workers for pre-employment health checks, testing for COVID-19 symptoms at approved hospitals, sensitization of migrant workers about precautionary measures like maintaining social distance (minimum 1.5 metre) at work sites and workforce camps, covering of face with masks/cotton cloths, use of sanitizers, frequent washing of hands, avoid spitting in public, maintain self-hygiene, immediate reporting of flu-like-illness symptoms, avoiding use of chewing gum or tobacco(all-forms), creation of isolation rooms for any worker reporting/showing COVID-19 symptoms, until his/her shifting to designated COVID-19 hospitals, controlling entry and exit from site/workplace, use of non-contact temperature scanners at entry points; ensuring accommodation arrangements to maintain social distancing norms, providing adequate and appropriate forms of personal protective equipment (PPE), among others as part of the Contractor's labor management plan. The wages will be directly paid to the workers and any payments through labour contractors will be avoided.

## 9. Grievance Mechanism

Typical workplace grievances include demand for employment opportunities; labor wages rates and delays of payment; disagreement over working conditions; and health and safety concerns in the work environment. It requires establishment of a separate grievance mechanism for project workers (direct workers, and contract workers), as required in ESS-2 and which will also address labor-related SEA. Handling of grievances will be objective, prompt, and responsive to the needs and concerns of the aggrieved workers. Different ways for workers to submit their grievances will be made available, such as submissions in person, by phone, by email or by complaint registers. The grievance raised will be recorded and the timeframe for redress will depend on the nature of the grievance, health and safety concerns in work

environment. This GRM structure needs a parallel/embedded structure involving trained project personnel (social/gender focal points) for handling sensitive SEA/SH complaints for maintaining survivor confidentiality and reducing response times. The grievance mechanism for workers are as follows:

- i. **Direct Workers:** The Project Director (at the level of Principal Secretary/Secretary) with Additional Project Directors (APDs) from DoE, DoHFW, and DoSYA will be responsible for providing guidance and advice on all worker related grievances and their redressal, in line with the State Government, Government of India Rules and Regulations.
- ii. **Contracted Workers:** Construction Site Specific Grievance Mechanism will be setup by the contractor/ sub-contractor. It shall include site specific Grievance Focal Point (GFP) assigned by the Contractor who will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing them. If the issue cannot be resolved at contractor's level within 7 working days, then it will be escalated to DPMU at district level and finally to the contract issuing authority.

The consultancy agencies that have been contracted by MPOWER will ensure that they have an established/functioning GRMs to address respective workers' concerns. Also for primary suppliers, the respective vendors will be furnish details of GRM that addresses workers grievances, to DPMUs shall periodically seek such information/confirmation from them.

Workers will also be able to submit their grievances through the district Labour Department, whose address and contact telephone numbers will be prominently displayed by contractors for the visibility of all workers at all worksites.

**Dissemination of information on GRM:** Information relating to the availability of GRM without any retribution, its institutional set up, timings and procedure for receiving complaints, mechanism of handling complaints, maximum time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be disseminated to the workers on a regular basis. Some of the GRM dissemination avenues are:

- During Induction training for new workers
- During Toolbox meet/briefings by work supervisors
- During periodic tail gate sessions, to review and refresh site protocols on safety procedures at work
- Through pictorial illustrations and posters in local language installed at prominent places like entry/exit points, canteen, entertainment areas, health camp sites etc
- During awareness campaigns for safety at work and response to Emergency Response Plans
- Awareness and briefing on community safety, while at work

## 10. Contractor Management

### 10.1 Contractor Selection Process

Selection of a Contractor for civil works or consultancy firms for studies, etc. is done through an open competitive online bidding process (e-procurement) with a two-envelop (technical and financial) evaluation process. Procurement of goods and services shall be done following the appropriate method of selection that includes – Quality Based Selection (QBS), Quality and Cost Based Selection (QCBS), Single Source Selection (SSS), etc. All the technical bids will be evaluated for their past similar experience, financial standing, OHS & CHS performance in past projects, technical qualifications and experience criteria for Key persons, available inventory of equipment and machinery, among others. All the bids will be evaluated by Bid Evaluation committees set up by the respective PMU and Sub-PMUs through the pre-set evaluation criteria and only the technically qualified bids will be considered for opening of financial bids and the lowest bidder will be selected in case of civil works, subjected to scrutiny of financial bids. In case of bids related to goods, evaluation considers quality of material as per prescribed specifications.

### 10.2 Contractual Provisions for Labour Management and OHS

The environmental, social risks and impacts including labour management and OHS issues arising from implementation of MPOWER have been identified and will be managed through implementation of ESMP by the contractors. The labour management and OHS of workers and related issues arising during construction works will be under direct control of contractors and will be managed by the contractors. Therefore, ensuring effective management of OHS procedures (OHS) for contract workers by contractor(s) is core to implementation of MPOWER.

The OHS (Occupational Health and Safety) and CHS (Community Health and Safety) requirements under MPOWER will be specified and incorporated as special conditions and performance requirements in all bid documents of contract packages. Adequate cost provisions for implementation of OHS & CHS requirements will be included in the item rates, so that contractor can perform requirements in a fair and objective manner. In addition, 2% of contract amount will be earmarked as OHS & CHS performance security in the bidding documents. Thus, the potential bidders are expected to be fully aware of OHS & CHS performance requirements at the bidding stage and accordingly price at the bidding stage itself.

### 10.3 Monitoring of Performance of Contractors

The monitoring of performance of contractors including the implementation of C-ESMP and OHS & CHS performance requirements by the contractor will be

overseen and managed by the DPMU, concerned Department's Sub-PMUs under the overall guidance and direction of PD, PMU, MPOWER.

The compliance and documentation processes identified as critical under labour laws and ESS-2 can be viewed in three categories:

- **Establishment compliances:** These are one-time compliances required at the commencement or establishment of any process related to labour in the project. For example, if any: Consent to Operate (CTO) for hot-mix plant, Code of Conduct with workers, health profile of workers.
- **Periodic compliances:** These are compliances which recur periodically through the life of the project, for example: labour license, labour insurance.
- **Episodic compliances:** These are compliances which are only triggered by the occurrence of an event, e.g., accident at the worksite.
- Usage of the monitoring checklists for labour – child, forced, etc. and reporting to the concerned DPMUs periodically using the checklist provided under Annexure 4.



## Annexures

### Annexure 1: List of Information to be maintained by Contractors

The information database on contracted workers to be maintained by the contractor will include, but will not be limited to, the following<sup>2</sup>

- Name and Age (to be supported by AADHAR /Voter Card)
- Father's Name and Permanent Address
- Marital Status and Name of the Spouse (if married)
- Number of Children with Gender (as applicable)
- Place of Stay of Spouse and Children during work engagement
- Address and Contact Number (in case of any emergency)
- Key Skills and Years of Experience
- Work activities, Schedule, Duration of Engagement
- Duration of Contract and Rotation Arrangements
- Facilities Arranged by Contractor including health check-ups prior to engagement, accommodation (onsite workforce camps, with local community, transportation to work site and other facilities (to be specified by Contractor)
- Pre-Employment Check-ups, Fitness Tests and Health Awareness Campaign for workers

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<sup>2</sup>as per ESF/Safeguards Interim Note:COVID-19 considerations in construction/civil works projects dated April 7, 2020



## Annexure 2: Model Code of Conduct for Contractor's Personnel

We, [enter name of Contractor], hereafter 'the Contractor', have signed a contract with [enter name of Employer] for [enter description of the Works]. These Works will be carried out at [enter the Site and other locations where the Works will be carried out]. Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of gender-based violence (GBV), sexual exploitation, sexual abuse and sexual harassment (SEA/SH).

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, laborers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as "**Contractor's Personnel**" and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that we require from all Contractor's Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

### **REQUIRED CONDUCT**

Contractor's Personnel shall:

1. Carry out their duties competently and diligently;
2. Comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
3. Maintain a safe working environment by:
  - a. ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
  - b. wearing required personal protective equipment;
  - c. using appropriate measures relating to chemical, physical and biological substances and agents; and
  - d. following applicable emergency operating procedures.
4. Report work situations that they believe are not safe or healthy and remove themselves from a work situation which they reasonably believe presents an imminent and serious danger to their life or health;
5. Treat women, children (persons under the age of 18), and men with respect regardless of race; colour; language; religion; political or other opinion; national, ethnic or social origin; sexual orientation or gender identity; disability; birth or other status.
6. Not use language or behaviour towards anyone that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
7. Not engage in Sexual Exploitation, which means 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;
8. Not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;

9. Not engage in Sexual Harassment, which means in the workplace is defined as any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, and may include unwelcome sexual advances, requests for sexual favors;
10. Not participate in sexual contact or activity with children under the age of 18. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
11. Be conscious of and respect the privacy and dignity of each and every child and adolescent;
12. Be visible and not in a secluded place, while in contact with children and adolescents at the workplace;
13. Use language or expressions that are inappropriate for children and adolescents when in contact with them;
14. Act in a manner that puts children and adolescents at risk, including stigmatizing or humiliating them, or taking photos of them without their consent;
15. Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, GBV and SEA/SH;
16. Report violations of this Code of Conduct; and
17. Not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

## **RAISING CONCERNS**

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

1. Contact [*enter name of the Contractor's Social Expert with relevant experience in handling gender-based violence, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters*] in writing at this address [ ] or by telephone at [ ] or in person at [ ]; or
2. Call [ ] to reach the Contractor's hotline (*if any*) and leave a message.

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. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

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.

## **CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT**

Any violation of this Code of Conduct by Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

**FOR CONTRACTOR'S PERSONNEL:**

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact [*enter name of Contractor's contact person with relevant experience*] requesting an explanation.

Name of Contractor's Personnel: [insert name]

Signature: \_\_\_\_\_

Date: (day month year): \_\_\_\_\_

Countersignature of authorized representative of the Contractor:

Signature: \_\_\_\_\_

Date: (day month year): \_\_\_\_\_

### Annexure 3: Code of Conduct For Company (Contractor)

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. *This company-level code of conduct should be **signed by the Project Manager**, and shared throughout the company.*

[Company] is committed to creating and maintaining an environment in which gender-based violence (GBV), including sexual exploitation and abuse and sexual harassment (SEA/SH), has no place, and in which it will not be tolerated by any employee, associate, or representative of the company. Therefore, in order to ensure that all employees, associates, and representatives of [Company] are aware of this commitment, and in order to prevent, identify, and respond to any allegations of GBV, the following core principles and minimum standards of behaviour will apply to all company employees, associates, and representatives without exception:

1. [Company] will comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Personnel and any other person;
2. [Company] will not engage in child labor and/or forced labor;
3. [Company]—and therefore all employees, associates, and representatives—commit to treating women, children (persons under the age of 18), and men with respect, regardless of race; color; language; religion; political or other opinion; national, ethnic or social origin; sexual orientation or gender identity; disability; birth or other status. GBV and SEA/SH are in violation of this commitment;
4. In the eyes of [Company], GBV and SEA/SH constitute acts of gross misconduct and are therefore grounds for sanction, which may include penalties and/or termination of employment. All forms of GBV and SEA/SH are unacceptable, regardless of whether they take place on the worksite, the worksite surroundings, at workers' camps, or off-site (i.e. involving individuals not employed by the company); In addition to the potential sanctions listed above, legal prosecution will be pursued, if appropriate, for any employees, associates, and representatives alleged to have committed GBV and/or SEA/SH.
5. Demeaning, threatening, harassing, abusive, or sexually provocative language and behaviour are prohibited among all company employees, associates, and representatives;
6. Sexual favours—for instance, making promises or favourable treatment dependent on sexual acts—are prohibited;
7. All employees, including volunteers and sub-contractors are expected to report suspected or actual GBV and SEA/SH by a fellow worker, whether in the same company or not. Reports must be made in accordance with GBV and SEA/SH allegation procedures;
8. All employees are required to be trained on joining work to ensure they are familiar with the GBV and SEA/SH Code of Conduct;
9. [Company] will ensure that a culture of openness exists and facilitates children and adolescents to interact and express their issues and concerns with staff;
10. [Company] will ensure that all violations of this code of conduct, including issues of child labor, forced labor, GBV, SEA/SH, will be communicated to [*enter name of entity that issues the contract*] promptly and in a manner that ensures the safety and privacy of the victims;
11. All employees will be required to sign a code of conduct for Contractor's Personnel confirming their agreement to comply to the same.

I do hereby acknowledge that I have read the foregoing Code of Conduct, and on behalf of the company agree to comply with the standards contained therein. I understand my role

and responsibilities to prevent and respond to my employees' grievances. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action.

Signature: \_\_\_\_\_

Name of Project Manager: \_\_\_\_\_

Company Name: \_\_\_\_\_

Date: \_\_\_\_\_

## Annexure 4: Monitoring Checklist for Construction Sites (for Monthly monitoring)

	Questions	Answers	
General			
1.	Name of the work awarded		
2.	Details of the Executing Agency – Name and Address		
3.	Time Frame of the Work		
4.	How many labor camps are set up by the contractor		
Workers terms and conditions			
		Male	Female
5.	Total No. of Worker/Laborers at worksite :-		
6.	Total number of skilled, semi-skilled and unskilled workers		
7.	Total number of local and migrant workers.		
8.	Source of workers i.e. where does the contractor source required workers?		
9.	Are the ages of workers confirmed to be at least 18 years of age or above?		
10.	If so, what is the document used for age verification (Aadhar card, driving license etc.)		
11.	Are all workers provided with written contracts?		
12.	Does the contract document clearly lay terms and conditions of work, including OHS aspects? E.g. nature of work, payment, the timeline of payment, deductions, leave and other benefits (EPF/medical), penalties, etc. <i>(please provide sample copy)</i>		
13.	Are all informal workers provided with contracts? <i>(please provide a sample copy)</i>		
14.	What is the rate paid for semi-skilled and unskilled workers?		
15.	Are these rates displayed on a notice board?		
16.	Are migrant workers treated fairly and do they benefit from conditions of work that are no less favourable than those available to locally-recruited workers?		

17.	Do females get the same wages as males for the same type of work? <i>(please provide copy of the payslip)</i>		
Work location and access			
18.	Can everyone reach the work area safely? (Yes/ No)		
19.	If no, give reasons, what is the constraint?		
20.	If so, what is the mode of transport?		
21.	Are all access routes throughout the site in good condition And in easily understood language		
Workplace facilities			
22.	What is the source of water for workers?		
23.	Whether Sufficient, safe drinking water and mobile toilets are available at the worksite.		
24.	How many toilets are there at camp – separately for males and females?		
25.	How frequently are these toilets cleaned?		
26.	If yes, at what locations (provide photo)		
27.	Have all the workers been explained the Code of conduct and signed it?		
28.	Are sanitizers provided to workers?		
29.	Are all workers provided with PPE (gumboots, helmet, gloves, etc.) as necessary?		
30.	Are there first aid kits available at the site?		
31.	Are there condom boxes at camp at discreet locations?		
32.	Does the contractor have a tie-up with local hospitals?		
33.	Are all workers vaccinated?		
34.	If so, how many workers have received both doses?		
35.	Is there a mechanism for workers to raise workplace grievances? If so what?		
36.	Does the camp have a grievance register?		
37.	Is the register accessible?		
38.	Is the register being used?		
39.	If so, how many grievances and what is the nature of grievances		

40.	Are there GBV awareness posters at worksites?	
41.	Does the contractor firm have an Internal Complaints Committee to deal with SEA/SH issues?	
Workplace procedures and related issues		
42.	Whether Proper tools are provided to the workers to conduct their work.	
43.	Safety equipment/gears are being used where appropriate?	
44.	Workers had been given instructions and guidance regarding their work/job tasks.	
45.	Whether community access to facilities, services, or resources hampered?	
46.	Whether construction/upgradation of embankment/revetment is hampering the business activity of locals? <i>(provide details on the number of locals, type of business, and measure adopted)</i>	
47.	If yes, then what are the measures that have been taken up by the contractor?	
48.	Whether construction activity affecting the adjoining private property?	
49.	If yes, then what are the measures that have been taken up by the contractor?	
Feedback from Workers		
50.	Workers reported contracts have been provided	
51.	Workers/laborers reported that they received the correct and timely wages	
52.	Workers reported that they have/retain their original identification documents.	
53.	Workers reported on drinking water	
54.	Workers reported clean toilet facilities	
55.	Workers reported on medical facilities	
56.	Workers reported on covid vaccination status	
57.	Workers reported on the presence/effectiveness of GRM for raising workplace grievances	
58.	Has any worker reported having been sexually harassed by anyone on the site?	
59.	If yes, how many; duly keeping the survivor identity and details confidential.	
60.	Are there any risks associated with sexual exploitation, abuse, and harassment (SEA/SH)?	



61.	Did the contractor take proper action if the incident of sexual harassment occurred?	
62.	If yes, explain	
63.	Has the contractor taken any precautions to prevent, mitigate, and respond to SEA/SH incidents?	
64.	Did workers report having been abused or experience violence by anyone on the site.	
65.	If yes, explain	
66.	Did the contractor take proper action of incidents if incidents of violence by anyone onsite?	
67.	If no, explain	
68.	Female worker reported they had been given same opportunities as men to participate in training.	

