

WATERSHED MANAGEMENT DIRECTORATE, UTTARAKHAND,

INDIA



**UTTARAKHAND CLIMATE RESPONSIVE RAINFED FARMING  
PROJECT**

**(P179357)**

**Labour Management Procedure (LEP)  
January 2024**

## **Table of Contents**

List of Tables .....	3
Abbreviations and Acronyms .....	4
1. Introduction .....	5
2. Project Description .....	6
2.1 Project Development Objective .....	6
Result Indicators .....	6
2.2 Project components .....	6
3. Labour Management Procedures - Purpose.....	7
3.1 Outline of Labour Requirements .....	7
3.2 Project Workers .....	8
3.2.1 Characteristics.....	8
3.2.2 Duration and Timing of Labour requirements-.....	9
3.3 Information on Contracted Workers .....	10
4. Key Potential Labour Risks Assessment.....	11
4.1 Project Activities .....	11
4.2 Key Labour Risks.....	11
4.3 COVID -19 .....	12
5. Overview of Labour Legislation: Terms and Conditions .....	13
5.1 Regulatory Framework.....	13
6. Overview of Labour Legislation: Occupational Safety and Health .....	14
6.1 National Policy on Safety, Health and Environment at Workplace (NPSHEW), 2009.....	14
6.2 Code on Occupational Safety, Health and Working Conditions, 2020 .....	14
6.3 The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 and Rules.....	14
6.4 Guidelines/SOPs related to Covid-19.....	15
6.5 Enforcement Agencies .....	15
7. Responsible Staff .....	16
8. Engagement and management of Project workers- .....	17
8.1 Occupational Health and Safety (OHS) .....	19
9. Policies and Procedures.....	20
9.1 Incidents and Accident Notifications .....	20
9.2 Labour Influx and GBV/ SEAH .....	20
9.3 Hazard Identification and Risk Management.....	20
9.4 Staff Health & Fitness on duty .....	21
9.5 Hygiene and Sanitation .....	21
9.6 Incident and Emergency Management and preparedness.....	21
9.7 Responsibility .....	21
9.8 Primary Suppliers .....	22
9.9 COVID-19 Considerations –Actions .....	22

10.	Age of Employment .....	23
11.	Terms and Conditions.....	24
11.1	Specific Wages .....	24
11.2	Work Hours and Maximum Number of Work Hours .....	24
11.2.1	Specific Terms and Conditions .....	24
12.	Grievance Mechanism .....	26
13.	Contractor Management .....	27
13.1	Contractor Selection Process .....	27
13.2	Contractual Provisions for Labour Management and OHS .....	27
13.3	Monitoring of Performance of Contractors .....	27
Annexures	.....	29
Annexure 1:	List of Information to be maintained by Contractors.....	29
Annexure 2:	Model Code of Conduct for Contractor’s Personnel .....	30
Annexure 3:	Code of Conduct For Company (Contractor) .....	32
Annexure 4:	Monitoring Checklist for Construction Sites (for Monthly monitoring) .....	33

#### List of Tables

Table1:	Number of Project Workers .....	8
Table 2:	Anticipated Deployment and Location of Project Workers .....	10
Table 3:	Applicable Guidelines and Orders relating to COVID .....	15
Table 4:	Engagement and Management of Project Workers and key LMP provisions .....	17

## Abbreviations and Acronyms

Dy.Dir	Deputy Director
DPMU	District Project Management Unit
ESA	Environment and Social Assessment
FGD	Focused Group Discussion
FIG	Farmer's Interest Group
GP	Gram Panchayat
GPWDP	Gram Panchayat Watershed Development Plan
IEC	Information, Education and Communication
MDT	Multi Disciplinary Team
M&E	Monitoring & Learning
PD	Project Director
PME	Participatory Monitoring & Evaluation
PMU	Project Management Unit
PNGO	Parent Non-Governmental Organisation
RVC	Revenue Village Committee (Informal body at Revenue Village of suggestive/consultative nature )
RVC Proposals	Proposals made by RVC at level of revenue village
SHG	Self Help Group
UG	User Group
VLI	Village Level Institutions
VP	Van Panchayat
WAS	Women Aam Sabha
WMD	Watershed Management Directorate, Dehradun, Uttarakhand.
WWMC	Water & Watershed Management Committee
WHO	World Health Organizations
EFC	Environment Friendly Chemicals
TOT	Training of Trainers

## **1. Introduction**

Uttarakhand, encompassing the Kumaon and Garhwal Himalayas, covers an area of around 53,485 sq. km and approximately 11 million people are residing there. The state is divided into two administrative divisions - Garhwal and Kumaon - comprising 13 districts and 95 development blocks, with a multitude of villages and administrative units.

The rural economy and livelihoods in the state mostly rely on natural resources, supporting agriculture and catering to the needs of a 5.14 million livestock population for fodder. Forest cover varies across altitude zones: 45.80% of the total area is covered by forests, with different percentages across altitude zones.

Around 70% of the population depends on agriculture, but only around 9% of the total area is under cultivation, mostly rain-fed in hilly regions. Land holdings are small and fragmented, averaging 0.68 ha in the hills and 1.77 ha in the plains. Due to excessive extraction beyond the capacity to regenerate, natural resources are degrading. Forest-to-agriculture ratio is low, leading to soil erosion, declining land productivity, and water scarcity.

To address resource degradation, watershed management is crucial for conservation and sustainable development. Government of Uttarakhand has been implemented a number of watershed projects through Watershed Management Directorate (WMD) since last three decades. Projects, like the Uttarakhand Decentralized Watershed Development Project (UDWDP) phase-I & II were focused to reverse resource deterioration and support sustainable livelihoods to reduce pressure on natural resources.

## **2. Project Description**

### **2.1 Project Development Objective**

Uttarakhand being a hilly state agriculture is pre- dominantly rain-fed and remains vulnerable to moderate to extreme weather conditions. Sustaining increased agriculture outputs in a rapidly changing climate will require adaptation at a faster pace. Enhancing food security while reducing GHG Emissions from farming practices will require transition to production systems that are more productive, use input more efficiently, have greater stability in outputs and are resilient to short- and long-term climate variability.

Uttarakhand Climate Responsive Rainfed Farming Project (UCRRFP) will be implemented in 06 hilly districts and 02 plain districts of Uttarakhand covering about 1200 villages and comprising of 56 Micro watershed clusters.

#### **Result Indicators**

The following Key Performance Indicators (KPI) are proposed for measuring the core outcomes of the project: -

- KPI 1: Reduction in GHG emissions from representative cropped land parcels (CRI).
- KPI 2: Increase in productivity of selected crops.
- KPI 3: Increased water discharge in sample spring-sheds.
- KPI 4: Farmers adopting climate smart agriculture technologies and practices promoted by the project (CRI).
- KPI 5: Farm Income at HH Level with / without UCRRFP.

### **2.2 Project components**

#### **Component A- Developing Resilient and GHG Efficient Production Systems**

This component aims to enhance productivity through land treatment and development, while increasing fertilizer efficiency, water productivity, and reducing GHG emissions. To this effect, the multi-expert task team at the district level will help in preparing micro plans that will be implemented in a phased manner. Commodity-specific advisories will come from the respective technical agencies having domain knowledge.

The component provides the foundation for the project to shift cultivation towards optimal input usage pattern, leading to reduced input costs and enhanced average income of farmers.

#### **Component B – Science-Based Development of Resilient Spring-sheds**

The objective of the component is to improve spring-shed efficiency by investing in (i) undertaking comprehensive catchment treatment around spring-sheds; (ii) improving quantity and stability of spring flows through drainage management; and (iii) increased volume of water stored for farm use in farm ponds. With technical inputs from consortia partners, this component will support enhanced participatory micro-watershed planning, incorporating spring-shed treatment; rehabilitation of degraded common land; and water harvesting/storage from improved spring flows. It will enhance water supply and reliability, ensuring more timely input with water budgeting for each crop, for improved farm productivity under Component A.

#### **Component C- Enhancing Income Resilience through Agribusiness and Entrepreneurship**

The objective of the component is to promote investments in agribusiness to increase the stability and diversity and thus resiliency of incomes of rural and agricultural households in the project area (designated micro-watersheds). This will be through value addition of farm-based produce and enterprise development, tapping into the State's rainfed areas' opportunities and relative strengths, also for the most vulnerable households, and tapping the surpluses from productivity gains and agriculture expansion arising resulting from Component A and B.

This component will make investments through three subcomponents: (i) Supporting Agribusiness Promotion Centers; (ii) Micro-Enterprise Development; and (iii) Income Generation Support for Vulnerable Groups.

### **Component D – Project Management, Monitoring & Evaluation, and Learning**

The objective of this component is to (i) strengthen the institutions associated with the project; (ii) deliver effectively and efficiently project outputs in a timely and accountable manner with adaptive learning, and (iii) generate and disseminate cutting-edge knowledge on a range of issues related to climate-resilient agriculture.

This component will ensure a proactive and responsive project management and coordination, with well capacitated staff. A systemic management effort will also be made to institutionalize project developed approaches, partnerships, and systems. In addition, this component will create an institutional learning and sharing mechanism for mainstreaming resilient agriculture systems at all levels across the participating departments related to the project.

## **3. Labour Management Procedures - Purpose**

The purpose of the Labour Management Procedure (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 PMU, Regional Project Director Office, DPMUs, Field Implementation Units/Unit office and Consultants for Design and other Studies, the Contractors and their sub-contractors and other workers of the project, to have It sets out the approach to meet all national and state requirements as well as the World Bank's Environmental and Social Framework, specifically Environmental and Social Standard 2: Labour and Working Conditions.

### **3.1 Outline of Labour Requirements**

UCRRFP will involve a) contractors to undertake civil works such as construction of water impounding structures (>5m and <10m), roads, bridges and other civil works, b) agencies/firms for supply and installation of equipment and materials to support project interventions; and c) other implementation support partners such as concerned departments for implementation of UCRRFP. The workers performing these could be from anywhere within the state or other states within India.

As per ESS-2, the following categories of Project Workers will be required for the UCRRFP: **Direct workers**- People employed or engaged directly by the PMU, Regional Project Director office, DPMUs and Unit Offices on its behalf to work specifically in relation to the Project; **Contracted workers**- People employed or engaged by (a) contractors to perform work related to sub-project activities i.e construction of water impounding structures (>5m and <10m), roads, bridges and other civil works, (b) Technical Expert, Multi-Disciplinary Team (MDT) and (d) other contracted firms needed during the course of the project; **Primary Supply Workers**- People employed or engaged by project's primary

suppliers of goods and materials for its core function (Construction material, equipment and machineries, IT equipment, etc.).

### 3.2 Project Workers

The table below provides an estimate of project workers for UCRRFP. 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	Requirement in Numbers
<b>1</b>	<b>Direct Workers with PMU and 2 Regional Project Director Office</b>	
1.1	State PMU Staff 2 Regional Project Director Staff	131
1.2	Implementation (8 DPMU) Technical Team @ DPMU Multi Disciplinary Team @ Unit Office	530
<b>2</b>	<b>Contracted Workers</b>	
2.1	Construction Workers – Persons comprising skilled, semi-skilled and unskilled workers.	14,800
2.2	Consultants for Project Preparation and other studies (e.g., ESA, Institutional /Organization Studies, Baseline Studies, Monitoring/Communication agencies, etc.)	200
<b>3</b>	<b>Primary supply workers</b>	1500
	<b>TOTAL</b>	<b>17,161</b>

#### 3.2.1 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 staff and contracted staff) of PMU, Regional Project Director Offices, DPMUs and Unit Offices. These direct workers will be stationed at State Project Management Unit (PMU) at Dehradun and supported by Regional Project Director offices one in Garhwal region and other one in Kumaon region at the state and at District Management Unit at district level and Unit Office at GP and Water Cluster Level.

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



- **Preparation stage:** These include preparation of GPWDP/action plan for transhumant, ESA, Trainings and external monitoring, other studies, etc. PMU 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 Uttarakhand and migrants from outside of Uttarakhand, meeting the work requirements.
- **Implementation stage:** Project will be placed Deputy Directors to assist Regional Project Director Office and officials from different disciplines, like engineering, agriculture, horticulture, animal husbandry, forestry, etc. at DPMUs and Unit Offices and Multi-Disciplinary Team”, comprising officials from agriculture, horticulture, forestry, etc. at GP level to implement the project activities. These multidisciplinary personnel/consultants 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 Uttarakhand and other states.

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

- a. Construction Workers:** The project may include any construction or renovations. The civil works under the project may require semi-skilled and unskilled workers or labour that likely to constitute nearly 95%, whereas skilled work supervisors and technicians constitute about 5%. While the majority of the skilled and unskilled workers are likely to be from within Uttarakhand. These workers may not require any camp. 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 65 years, whereas the age of unskilled workers can range between 18 to 55 years. About 5-10% of the unskilled workers are expected to be women.

**Primary Supply Workers:** The ‘core functions’ of a project constitute those production and/or service processes essential for a specific project activity without which the project cannot continue. The primary suppliers for the project will mainly be construction material suppliers, electrical/solar equipment suppliers, IT and communication equipment suppliers, etc. As most of these functions are given under contracts under various project activities, these workers are grouped under the contract workers.

### 3.2.2 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. After the project, most of them will continue work in their parent department as they are permanent government employees. The project will be implemented in 8 districts in Uttarakhand.

However, deployment of contracted workers for any construction related activities will be need based. The PMU/DPMU/Unit Office 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>	PMU Regional Project Director Office	At Dehradun;  Kumaon and Garwhal	Throughout Project Period	Executive and Supervisory /Managerial/Tech nical level
		DPMU – 8 Unit Office – 24 - 32	DPMU offices in 8 districts; Each DPMU will have 3-4 Unit Office	Throughout Project Period	Executive and Supervisory /Managerial/Tech nical/ Skilled level
2	<b>Contracted Workers</b>				
a)	Construction Workers		Construction locations/ and construction or upgradation of facilities across 8 districts	6-years	Varied (Executive and Supervisory/Man agerial, skilled, semi-skilled and unskilled labour)
b)	Consultants for Project Preparation and other studies (e.g. ESA, Institutional Strengthening/Org anization Studies, Baseline studies, etc)		PMU at Dehradun, districts within State and at respective Consultants corporate office, elsewhere	6-years	Executive Supervisor / Managerial and Subject specialists
3	Primary Supply workers			Project Period	Executive Supervisor / Managerial and Subject specialists
	<b>Total Workers</b>				

### 3.3 Information on Contracted Workers

PMU with Regional Project Director Office and through its DPMUs and Unit Office 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.

## 4. Key Potential Labour Risks Assessment

### 4.1 Project Activities

The project civil works are

- Construction of water impounding structures (>5m and <10m), roads, bridges and other civil works, etc.
- Site clearance activities including clearing and grubbing
- 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

### 4.2 Key Labour Risks

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

- a) *Child and Forced Labour.* The problem of child labour is common in the state of Uttarakhand. Since the 70% of Uttarakhand population depends on agriculture mostly rain-fed; the children are getting involved in, apart from agroecosystem (both farm and livestock) are resorting to off-farm activities.
- b) *Migrant and Seasonal Labour.* The project may attract labours from the other districts of Uttarakhand.
- c) *Hazardous Work.* The project will not involve working with heavy machinery, working on the water and under water, height, etc.
- d) *Occupational health and safety.* Given the nature of these works, risk relating to occupational health and safety requirements will not be significant.
- e) *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, ill-treatment and exploitation.
- f) *Labour influx-* Though labour influx is likely to be low as will require small number of labor employed locally, hence no large labor influx is expected. But these 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.

The OHS and CHS requirements under UCRRFP will be specified and incorporated as special conditions and performance requirements in all bid documents of 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.

#### **4.3 COVID -19**

In respect of Covid-19, the influx of migrant workers, if any will require additional considerations. Migrant workers could become vectors for transmission of COVID-19 to other workers in construction project sites and nearby communities. The GoUK has notified Standard Operating Procedures (SOPs)<sup>1/</sup> for COVID-19. Similarly, the Central Public Works Department (CPWD) of the Government of India also has notified COVID-19 SOPs/ Guidelines at Construction works Sites. Also applicable is the World Bank's ESF/Safeguards Interim Note: COVID-19 considerations in construction/civil works projects dated April 7, 2020 (See Annexures) Watershed Management Directorate (WMD) will ensure the contractor strictly adhere to these GoUK and GoI COVID -19.

SOPs at all construction sites, which will cover pre-employment health checks, including testing for COVID symptoms at approved hospitals, sensitization of all migrant workers about COVID-19, precautions like maintaining social distance of a minimum 1.5 metre at work sites as well as at workforce camps, covering of face with masks/cotton cloths, use of sanitizers, frequent washing of hands, avoid spitting in public, maintain hygiene, reporting of flu-like-illness symptoms, avoid use of chewing gum, tobacco in all forms, creation of isolation/quarantine rooms for any workers reporting/showing COVID symptoms until shifting to designated COVID hospitals, controlling entry and exit from site/workplace; use of non-contact thermal scanners at entry/worker reporting points, reviewing accommodation arrangements maintain social distancing norms, providing adequate and appropriate forms of personal protective equipment (PPE) among others as part of the Contractor's ESMP. In case of any workers reporting COVID symptoms, the contractor will arrange to immediately shift such workers to temporary isolation rooms, until they are shifted to designated COVID care hospitals at respective district level. WMD and concerned Departments will ensure contractor is obligated to implement all applicable SOPs for COVID at work sites, as part of the approval process of Contractor's OHSMP and C-ESMP for works under the project.

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<sup>1</sup> [New Doc 2022-01-08 15.39.24 \(s3waas.gov.in\)](#)

## **5. Overview of Labour Legislation: Terms and Conditions**

### **5.1 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 Uttarakhand 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 GoUK for enforcing these in the state; until such time, the existing labour laws will be applicable.

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.

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

## 6. Overview of Labour Legislation: Occupational Safety and Health

There is no major civil work under the project, and it is limited to construction of water impounding structures/ earth work with a height of more than 5 metre and less than 10 metre, road, bridge, etc. the occupational health and safety risks largely emerge from the Covid19 pandemic situation and with minor civil works under the project. The key occupational health and safety guidelines specific to dealing with construction workers is provided in:

### 6.1 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.

### 6.2 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 Uttarakhand Rules for the Code are yet to be drafted and notified to make this Code operational.**

### 6.3 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.

#### **6.4 Guidelines/SOPs related to Covid-19**

In respect of COVID situation, the following SOPs/key guidelines and orders issued by Central Public Works Department, Government of India and as well as the guidelines/SOPs issued by the Government of Uttarakhand will be applicable to UCRRFP.

Table 3: Applicable Guidelines and Orders relating to COVID

<b>S. No</b>	<b>Govt of India Guidelines/ SOPs of Government of Uttarakhand</b>	<b>Stipulations /Terms and Conditions</b>
1	Standard Operating Procedures (SOPs) and Guidelines for Construction Sites for COVID-19 Outbreak issued by Central Public Works Department, Government of India, May 2020	Guidelines cover aspects relating to safety measures for workers, machineries, tools, and Emergency protocol in case of detection of symptoms of COVID 19 to be observed by Project Manager of Contractor
2	State Government orders	Order giving instructions relating to attendance, thermal scanning, no-deduction of wage; holding of meetings; frequent sanitation of workspaces, etc.

References are made to applicable international conventions and directives for addressing health and safety issues relevant to COVID-19.

#### **6.5 Enforcement Agencies**

At state level, Commissioner, Labour Department 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 may visit and inspect 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 Department 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.

## 7. Responsible Staff

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

WMD - WMD has set up a PMU at its headquarters in Dehradun, headed by the Project Director. To support project implementation and its administration, there will be two regional Project Director offices, headed by "Regional Project Directors"; one in Garhwal region and other one in Kumaon region. Under Regional Project Directors each project district will have "District Project Management Units (DPMU)", headed by the Deputy Director (Dy.Dir). The Admin/Planning of WMD 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 Admin/Planning of WMD 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 experts with expertise in environmental, social, occupational health and safety issues throughout the project period. And will be responsible for the following:

- Implement this labor management procedure
- Ensure that civil works contractors comply with these labor management procedures, 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 labor management procedures.
- 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



## 8. Engagement and management of Project workers-

All direct workers engaged at PMU, Regional Project Director office and DPMUs will be managed by and overseen with the support of specialists in the PMU and Regional Project Director office. The PMU with Regional Project Director office be responsible for the overall implementation and oversight of the LMP. The Admin/planning will be supported by the DPMU. The experts at PMU with Regional Project Director office will be responsible for organizing the training of workers and workers grievance management.

At the district level, the PMU with Regional Project Director office will be supported by the DPMU offices in charge of implementation. The Deputy Director will be responsible for the engagement and management of contractors and sub-contractors during the civil works under the project. The Deputy Director 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 4:Engagement and Management of Project Workers and key LMP provisions

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Key actions
<b>Direct Workers</b>	Direct Workers will be the personnel (both regular staff and contracted staff) of PMU, Regional Project Director office and DPMU	PD and Regional Project Directors through Admin/Planning (WMD)	<ol style="list-style-type: none"> <li>1. Ensuring that all employees are above the age of 18 years.</li> <li>2. Under no circumstance children under 14 years of age will be engaged for any kind of work, which is a prohibited activity as per GOI norms.</li> <li>3. The Direct workers, engaged by Government officers, whose salary and other emoluments will be in conformity to the Uttarakhand State Civil Rules</li> <li>4. The project will also engage consultants for work related to core functions of the project. The individual consultants, if hired directly by the project, will be governed by the policies of Government of Uttarakhand/India and in the case of any firm, the consultants will be governed by the policy of the firm.</li> <li>5. Any gap identified subsequently will be addressed in line with ESS 2.</li> <li>6. PMU with Regional Project Director office officials will adhere to LMP requirements of OHS &amp;CHS and forced labour.</li> </ol>
<b>Contracted Workers</b>	Construction Workers	Deputy Director, DPMU Unit Officer. Unit Office	Under no circumstances the contractors (including sub-contractors) working under the project will engage in child labour and forced labour (all forms), including bonded labour (working against an impossible debt), excessive restrictions for freedom of

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Key actions
			<p>movement, or inordinately long notice periods.</p> <p>This will be ensured through</p> <p>i) inclusion of CoC (Code of Conduct) in the contract documents;</p> <p>ii) OHS &amp; CHS performance requirements on handling workers and community. 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. GPWDP, DPR, Institutional Strengthening/Organization Studies, Baseline studies, communication etc.)		<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> <li>3. The consultants will be governed by the policy of the firm.</li> </ol> <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 providing goods and services for the core functions of the project	PD and Regional Project Directors through Admin/Planning (WMD)	<ol style="list-style-type: none"> <li>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 freedom of movement, inordinately long notice periods</li> <li>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               <ol style="list-style-type: none"> <li>i) inclusion of CoC (Code of Conduct) in the contract documents;</li> <li>ii) OHS performance requirements on handling workers</li> <li>iii) Establishing grievance mechanism for workers</li> <li>iv) Other site-specific measures</li> </ol> </li> </ol>

### **8.1 Occupational Health and Safety (OHS)**

Given there is no major civil work under the project, and it is limited to minor repair, Construction of water impounding structures/ earth work with a height of more than 5 metre and less than 10 metre, roads, bridge, equipment installation the occupational health and safety risks largely emerge from the situation like Covid19 pandemic 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.

## 9. 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; iii) Occupational Health and Safety related and iv) COVID-19 considerations.

### 9.1 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, Regional Project Director Office and the World Bank.

### 9.2 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 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) among others.

### 9.3 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.

#### **9.4 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.

#### **9.5 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.

#### **9.6 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.

#### **9.7 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. DPMU 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 Regional Project Director office, which in turn, will share consolidated compliance report in line with ESMP and ESCP to the World Bank on quarterly basis by the PMU. Corrective and preventive actions, where required for maintaining environment quality will be reported in the subsequent quarterly monitoring report.

## 9.8 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 with Regional Project Director Office 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.

## 9.9 COVID-19 Considerations –Actions

1. **Request details in writing from** the main Contractor of the measures being taken to address the risks. This should include SOPs that cover the following aspects:
  - a. Conducting pre-employment health checks
  - b. Controlling entry and exit from site/workplace
  - c. General hygiene, cleaning, and waste disposal
  - d. Adjusting work practices
  - e. Reviewing accommodation arrangements to see if they are adequate and designed to reduce contact with the community
  - f. Reviewing contract durations to reduce the frequency of workers entering/exiting the site
  - g. Rearranging work tasks or reducing numbers on the worksite to allow social/physical distancing, or rotating workers through a 24-hour schedule
  - h. Providing appropriate forms of personal protective equipment (PPE)
  - i. Putting in place alternatives to direct contact, like tele-medicine appointments and a live stream of instructions.
  - j. Instances of spread of virus
  - k. Training and communication with workers
  - l. Communication and contact with community
2. **Check with Contractors** on whether the workers are informed/encouraged to use the existing project grievance mechanism to report concerns relating to COVID-19.
3. **Contractors to consider** provision of medical insurance covering treatment for COVID-19, sick pay for workers who either contract the virus or are required to self-isolate due to close contact with infected workers and compensation payment in the event of death.

## 10. 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 UCRRFP from WMD and other departments will be GoUK employees, whose credentials would be duly verified by GoUK, at the time of recruitment itself.

**Contract Workers:** The age of the technically qualified and or skilled contract workers can range from 18 years to 65 years, whereas the age of unskilled workers can range between 18 to 55 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 and Regional Project Director Office 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 Gol 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/Unit Office/ 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.

## 11. Terms and Conditions

### 11.1 Specific Wages

**Direct Workers:** The Direct workers engaged for UCRRFP from WMD and other department 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, GoUK.

**Contracted Workers:** The wages of consultants/personnel deployed by the PMU, Regional Project Director Office, DPMUs and Unit Offices, 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.

### 11.2 Work Hours and Maximum Number of Work Hours

The Direct workers at the PMU, Regional Project Director Office, DPMUs, Unit Offices 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, GoUK. 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 XXIV Rule 234 of Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Uttarakhand Rules, 2005.

#### 11.2.1 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) Uttarakhand Rules, 2005, 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 Uttarakhand.
- 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) Uttarakhand Rules, 2005.
- 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 GoUK 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 GoUK 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.

## 12. 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. The grievance mechanism for workers are as follows:

- i. **Direct Workers:** The Project Director with Regional Project Directors 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. **Contract 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 UCRRFP 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

### **13. Contractor Management**

#### **13.1 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 – QBS, QCBS, 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 PMU and Regional Project Director Office 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.

#### **13.2 Contractual Provisions for Labour Management and OHS**

The environmental, social risks and impacts including labour management and OHS issues arising from implementation of UCRRFP 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 UCRRFP.

The OHS (Occupational Health and Safety) and CHS (Community Health and Safety) requirements under UCRRFC 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.

#### **13.3 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, under the overall guidance and direction of PD, PMU and Regional Project Directors, UCRRFP.

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.

In context of COVID-19, the Contractor will be required to designate/appoint a COVID-19 focal point officer with responsibility for monitoring and reporting on COVID-19 issues, and liaising with competent authorities designated by district administration or the State Government.

## 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 not 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 are the Contractor, *[enter name of Contractor]*. We 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 sexual exploitation, sexual abuse and sexual harassment.

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 his/her 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 he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her 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 women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
7. Not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
8. 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;
9. 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;
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. 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 and Harassment (SEAH);
12. Report violations of this Code of Conduct; and
13. 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 he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she 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) 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]—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 is in violation of this commitment.
3. In the eyes of [Company], GBV constitutes acts of gross misconduct and is therefore grounds for sanction, which may include penalties and/or termination of employment. All forms of GBV 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.
4. Demeaning, threatening, harassing, abusive, or sexually provocative language and behaviour are prohibited among all company employees, associates, and representatives.
5. Sexual favours—for instance, making promises or favourable treatment dependent on sexual acts—are prohibited.
6. All employees, including volunteers and sub-contractors are expected to report suspected or actual GBV by a fellow worker, whether in the same company or not. Reports must be made in accordance with GBV allegation procedures.
7. All employees are required to be trained on joining work to ensure they are familiar with the GBV Code of Conduct.
8. 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 Quarterly monitoring)**

	Questions	Answers	
<b>General</b>			
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		
<b>Workers terms and conditions</b>			
5.	Total No. of Worker/Laborers at worksite :-	<b>Male</b>	<b>Female</b>
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>		
<b>Work location and access</b>			
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.	