

**REPUBLIC OF SOUTH SUDAN**  
**MINISTRY OF TRANSPORT AND MINISTRY OF ROADS AND  
BRIDGES**

**South Sudan Connectivity for Growth Project (P179918)**

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**Labor Management Procedures (LMP)**

**January 2025**

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## ACRONYMS AND ABBREVIATIONS

BoQ	Bill of Quantities
C-ESMP	Contractor Environmental and Social Management Plan
CGP	Connectivity for Growth Project
CSOs	Civil Society Organizations
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESSs	Environmental and Social Standards
GBV	Gender Based Violence
H&S	Health and Safety
IDA	International Development Association
LMP	Labour Management Procedures
MoT	Ministry of Transport
MRB	Ministry of Roads and Bridges
OHS	Occupational Health and Safety
PC	Project Coordinator
PDO	Project Development Objective
PIU	Project Implementation Unit
PPE	Personal Protective Equipment
RAP	Resettlement Action Plan
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
SMP	Security Management Plan
SSCGP	South Sudan Connectivity for Growth Project
TA	Technical Assistance
TPM	Third Party Monitoring

## EXECUTIVE SUMMARY

These Labor Management Procedures (LMP) have been developed to manage labor risks under the South Sudan Connectivity for Growth Project (SS-CGP) to be implemented by the Ministry of Transport (MoT) and Ministry of Roads and Bridges (MRB) with financing from the International Development Association (IDA). The LMP sets forth the compliance requirements for the Project with regard to the national requirements, the World Bank's Environmental and Social Framework (ESF), specifically, the objectives of Environmental and Social Standard 2 on Labor and Working Conditions (ESS2) and the measures in the project's Environmental and Social Commitment Plan (ESCP).

The World Bank has rated the overall Environment and Social risk level of the project as High, which indicates a high likelihood of adverse impacts associated with project implementation. The High-risk rating indicates that the risks are required to be well understood and expected to have potential impact as they would require appropriate possible efforts to be avoided, minimized or managed through procedures, including procedures set out in this LMP. Compliance obligations have also been documented which will serve as supplemental policies that will guide the implementation of this LMP including national laws, international laws, and in particular, the World Bank ESS2.

The Labor Management Procedures identifies the types of workers who will be engaged in the project with the duration of employment for respective groups to be recruited and involved, of which direct, contracted (and sub-contracted, as appropriate), and primary supply workers are the types to be engaged. Community workers will not be involved in the project.

The key highlight of this document is to categorically identify, assess, and prescribe measures to address labor related risks including, issues of child labor, forced labor, labor influx including migrant workers, gender-based violence/sexual exploitation abuse and harassment, Occupational Health and Safety, discrimination in employment, communicable diseases, security risks, inadequate payment issues and human trafficking.

The SS-CGP will prohibit forced labor and any form of child labor, that is inconsistent with the provisions of World Bank ESS2 on Labor and Working Conditions and the national legislations. Furthermore, the project will carry out for awareness-raising activities about the aforementioned potential labor risks coupled with periodic monitoring, to ensure that the standards set in this labor management procedures are followed.

Factoring that major civil works are anticipated in the project, there is a high probability of labor influx in to the project areas from different parts of the country during the implementation of this project, as well as the probability of attracting foreign experts to take up highly specialized roles as contracted workers. Necessary measures are proposed in these procedures and the status of migrant workers will be periodically reported for the record.

The national laws and policies have been evaluated for relevant provisions on labor, working conditions, occupational health and safety, minimum age, terms and conditions of employment, child and forced labor, workers' grievance mechanism, form of contract freedom of association, and collective bargaining, among others and compared against the requirements of the World Bank ESS2 to identify the consistencies and gaps, and how the gaps will be filled in the project.

Aside from labor and working conditions, the LMP has given due consideration to the Occupation Health and Safety by ensuring the requirements of the World Bank ESS2 on Labor and Working Conditions and the national legislation have been taken into account. The issues related with safety of project communities who are exposed to the project activities arising from exposure to hazards, increased risks of communicable diseases due to influx of people during construction and operation, exposure to GBV, sexual exploitation and abuse and sexual harassment by project worker who might possibly violate the code of conduct among others. The project will further embrace good international industry practices while issues/areas of further improvement are proposed, to be followed during the implementation of the project.

To translate the labor management procedures into real actions the project will recruit the required social risk management, GBV/SEAH and occupational health and safety expertise with relevant skill-set and experience on labor management. The areas that these experts will cover are OHS, labor and working conditions, worker grievances, GBV/SEAH, training, and raising the level of awareness of people directly and indirectly engaged with the project.

The LMP recognizes that grievances relating to working conditions are likely to arise and provides the guidelines needed for the establishment of a worker's Grievance Redress Mechanism by each contractor. The mechanism will be guided by principles of transparency, accessibility, accountability, equity, promptness and responsiveness.

The section on Contractor management sets the required standard of ensuring that the requirements of World Bank ESS2 on Labor and Working Conditions are embedded in the contractual documents and become truly operational.

## 1. INTRODUCTION

These Labour Management Procedures (LMP) have been developed to identify and manage risks associated with labour and working conditions under the South Sudan Connectivity for Growth Project. The LMP identifies labour requirements in line with applicable laws, standards and sets out the procedures for addressing labour conditions and risks associated with the SS-CGP in line with the relevant World Bank's Environmental and Social Standards on Labour and Working Conditions (ESS2) and the national Labour Code, 2017 relating to labour and health and safety.

The Project will establish two Project Implementation Units (PIUs), one in the Ministry of Transport and the other in the Ministry of Roads and Bridges. The CGP PIUs will update the LMP as necessary, in light of experiences during Project implementation. Any update will be submitted to the World Bank for prior review before becoming effective. CGP/PIUs have in parallel carried out environmental and social assessments to meet the requirements of ESS1<sup>1</sup>, including a Security Management Plan (SMP) and a GBV/SEA/SH Prevention and Response Action Plan to meet the requirements of ESS4<sup>2</sup>, a Resettlement Action Plan (RAP) to meet the requirements of ESS5<sup>3</sup>, and a Stakeholder Engagement Plan (SEP) to meet the requirements of ESS10<sup>4</sup>.

### 1.1 Project Description

The Government of the Republic of South Sudan has requested funding from the International Development Association (IDA) for the implementation of the proposed South Sudan Connectivity for Growth Project (SS-CGP). The Project Development Objective (PDO) is to improve transport efficiency and reliability on the River Nile for movement of goods and people, and augment institutional capacity of Ministry of Transport and Ministry of Roads and Bridges to develop and manage South Sudan's inland waterways transportation (IWT) system in a sustainable manner.

South Sudan transport infrastructure development and maintenance is one of the sectors that has negatively been affected by the long history of conflict. The existing transport infrastructure both national and regional corridors are underdeveloped. The existing roads are not all-weather roads making them impassable during extreme events in rainy seasons thus limiting economic opportunities. Inadequate sustainability strategy of the road network and institutional capacity has also jeopardized transport infrastructure development in the Country.

### 1.2 Project Components

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<sup>1</sup> ESS on assessment and management of environmental and social risks and impacts

<sup>2</sup> ESS on community health and safety

<sup>3</sup> ESS on land acquisition, restrictions on land use and involuntary resettlement

<sup>4</sup> ESS on stakeholder engagement and information disclosure

**The Project has been designed around four components:** Component 1—Inland Water Transport Infrastructure Development; Component 2—Operations and Marketing Improvement, and Logistics Enhancement; Component 3—Institutional Strengthening, Capacity Building, and Project Management; and Component 4—Contingent Emergency Response Component (CERC).

**1. Component 1—Inland Water Transport Infrastructure Development (US\$74 million).** Component 1 of the Project is dedicated to improving the river transport infrastructure and services between Juba and Bor. This component aspires to make the waterway corridor safer, more efficient, and more sustainable. Component 1 will finance works, goods, and services under the following subcomponents:

- Subcomponent 1.1: Upgrading and maintenance of fairway along Juba to Bor (US\$35 million). This sub-component will finance: (i) the construction of permanent protection works along the Juba to Bor section, to enhance climate resilience and mitigate erosion-related risks; and (ii) the clearing of objects/debris/obstructions from the navigational channels and port vicinities.
- Subcomponent 1.2: Development of ports at Juba and Bor, and typical designs for future ports along the River Nile (US\$18 million). This Subcomponent will include: (i) A technical study will be undertaken to assess the ports and port access between Juba and Bor, and (ii) A detailed port development or upgrading plan will be developed for the ports at Juba and Bor, followed by the implementation of physical works.
- Subcomponent 1.3: Last-mile connectivity to river terminals at Juba and Bor (US\$3 million). This subcomponent will finance the upgrading/ rehabilitation of critical access roads that connect to the river terminals at Juba and Bor.
- Subcomponent 1.4: Survey and installation of equipment on commercial vessels (US\$14 million). This subcomponent will finance the acquisition of three multi-purpose survey vessels, and the installation of monitoring equipment on commercial vessels operating on the river.
- Subcomponent 1.5: Establishment of vessel traffic management, emergency response, and waste management systems (US\$4 million). This subcomponent will finance: (i) the installation of a basic vessel traffic management system equipped with navigational aids, navigation charts, and communication facilities; and (ii) the deployment of an emergency response mechanism and a waste management system at identified critical locations or hot spots.

**2. Component 2—Operations and Marketing Improvement, and Logistics Enhancement (US\$33 million).** Component 2 includes a broad spectrum of interventions for reinforcing the operational framework, optimizing marketing efforts, and augmenting logistics capabilities. It aims to establish a more dynamic and efficient IWT network, which is well equipped to meet the contemporary and



future needs of trade and logistics along the river stretch. Component 2 will finance works, goods, and consultancy services under the following subcomponents:

- Subcomponent 2.1: Vessel design and upgrading/building of two shipyards at Juba and Bor (US\$9 million). The subcomponent will finance: (i) the design of several standardized vessel types, including dry bulk/multipurpose, roll-on/roll-off, and passenger vessels, which will be provided to the relevant market actors; and (ii) the upgrading/building of two shipyards at Juba and Bor following the designs.
- Subcomponent 2.2: Creating an IWT fund for newly designed vessels (US\$15 million). Drawing from best practices observed in other waterway basins, an IWT Fund will be created for newly designed vessels. The operational details of the fund, including whether it will function as a lease or guarantee mechanism, will be determined after a comprehensive market study and ongoing consultations with relevant stakeholders.
- Subcomponent 2.3: Providing port handling facilities and equipment for key cargo. This subcomponent will finance the construction of dedicated warehouse and logistics facilities, at the ports of Juba and Bor, for essential cargo such as fish, agricultural bulk, and general cargo.
- Subcomponent 2.4: Strengthening Market Insights and Logistics Efficiency (US\$1 million). This subcomponent will finance two key activities: (i) the establishment of a Market Observatory at the MoT to track market trends and guide strategic decisions; and (ii) the implementation of a logistics and supply chain digital platform at the MoT aimed at improving operational efficiency and data management.
- Subcomponent 2.5: Supporting projects for supply chain innovation and investment attraction (US\$4 million). The activities to be financed will include: (i) the development of an IWT support element to stimulate the use of IWT by launching pilot projects for supply chain innovations that test new technologies and methodologies in the sector; and (ii) the establishment of an IWT incentive mechanism to foster sector growth and attract investment from the private sector, as well as to stimulate economic activities along the waterways and in port areas.

3. **Component 3 – Strategic Sector Studies and Development of Road Corridors (US\$9 million).** The objective of this component is to support select initiatives within the transport sector. The activities will mainly be in the form of technical assistance and studies to inform reforms. This component will support select institutional and capacity development interventions within the sector to achieve the following (a) carry out evidence based planning, implementation, and monitoring of projects; (b) strengthen the technical, project management, procurement, financial management, social and environment management skills of staff of PIUs with wider outreach to respective agencies and even private

industry consultants and contractors; and (c) carry out a needs assessment, formulating a framework for institutional and human resource capacities.

- Subcomponent 3.1: Support for the establishment of a governance structure for waterways transport (US\$1.5 million). Activities under this subcomponent will include, inter alia: (i) support the development of both the institutional and regulatory frameworks, as well as establishing implementation and inspection unit(s); and (ii) providing technical and organizational support.
- Sub-component 3.2: Strategic Sector Studies (US\$5 million). The Capacity building activities have been selected with a long-term but incremental and forward-looking vision of sector development. Recognizing that major infrastructure gaps exist, resulting from decades of conflicts and fragility, the institutional capacity must be strengthened in all parts of the sector. Within this project, capacity building activities are focused on the planning, implementing, and leveraging economic corridors, including activities in transport and trade as well as those associated with planning integrated corridors. Technical assistance will include:
  - Development of the National Transport Policy and master plan
  - Diagnosis of transport sector climate resilience
  - Road sector studies, such as: road condition surveys of prioritized corridors and connecting roads, National Road Safety Strategy, gender, and social inclusion analysis in transport
  - Roadmap for river navigation sector development
  - Harmonization of trucking standards, driver certification, axle load control and sectoral data/systems with East Africa Community and Horn of Africa.
- Sub-component 3.3: Technical Designs and Preparation of priority roads (US\$ 2.5 million). The aim of this sub-component is to support the preparation of priority road corridors through a 'learning by doing approach'. Ultimately, the goal is to enable the Ministry of Roads & Bridges fulfill its role as public sector client by preparing well designed projects to be funded by multiple development partners and to manage the process of engaging with designers and contractors. This sub-component under MRB will therefore finance feasibility studies, engineering designs, cost estimates, bidding documents, environment and social impact assessments for Juba-Torit-Kapoeta-Nadapal road.

4. **Component 4 — Institutional Strengthening, Capacity Building, and Project Management (US\$4 million).** This component is designed to reinforce the institutional framework and increase the expertise required for effectively governing and advancing waterways transport in South Sudan. It will allocate

resources to conduct strategic sector studies and implement a thorough capacity-building program to strengthen institutional capacity and improve the management of waterway transport. The activities to be financed under this component include:

- Subcomponent 4.1: Capacity Building and Awareness Program (US\$1.5 million). This subcomponent will support capacity building and awareness activities that will target a diverse group of stakeholders, including government personnel, nautical crew, port workers, state authorities, local communities, and other relevant parties such as academics and NGOs. The activities to be financed will include (i) training of government staff in IWT management and operations; (ii) Short courses for nautical crew (captains and boat masters); (iii) An awareness program to engage communities along the Juba-Bor corridor, promoting the benefits of IWT and encouraging local participation in project activities and job creation (iv) project procurement, and financial, environmental and social risk management. This subcomponent will also finance a comprehensive gender assessment with two primary objectives: firstly, to pinpoint the obstacles hindering women's employment within the maritime sector, particularly in IWT management and operations, which are anticipated to expand due to the project; and secondly, to delineate the unique challenges women encounter across the entire fish value chain, including in production, aggregation, processing, distribution, and ancillary services such as financial inclusion, as well as broader societal and legal constraints. Following the identification of gender-based skill gaps, the project will develop targeted interventions to bolster women's engagement in the fish value chain and to establish a certification program for women in collaboration with Technical and Vocational Education and Training (TVET) institutions, combined with sensitization initiatives aimed at prospective employers. Subcomponent 4.2: Support and Technical assistance (TA) for project management (US\$2.5 million). This subcomponent will cover all project management, hiring, communications, monitoring and evaluation (M&E) and operational cost of the project incurred by PIUs.

5. **Component 5 — Contingent Emergency Response Component (US\$0 million).** This zero-dollar component is designed to provide a swift response in the event of an eligible crisis or emergency by enabling the client to request the World Bank to reallocate project funds to support emergency response and reconstruction where needed.

### 1.3 Project Location

Rivers provide the vital arteries for both nature and economic development. Optimizing the use of the natural capacities of river infrastructures increases economic development and reduces the societal burdens of road transportation.

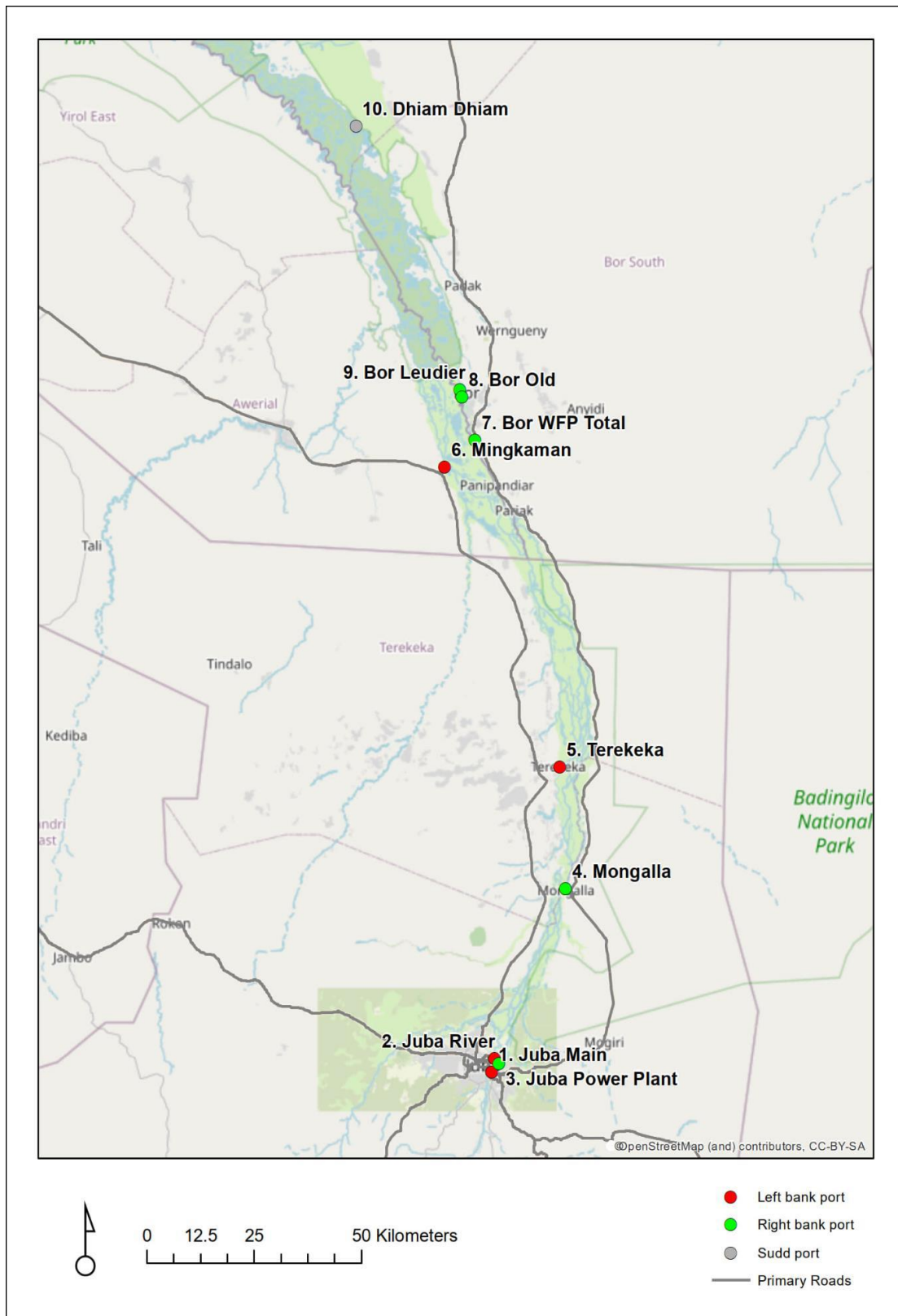
At the same time, river transportation is continuously affected by the ever-evolving riverbed developments. This leaves a river's capacity to serve as a reliable transport

enabler as highly volatile. Most rivers are trained to amongst others facilitate navigation. The structures regulate the water as needed to obtain a Least Available Depth (LAD). But it has become evident that sedimentology processes and biological processes are disrupted, leading to long term effects on ecosystem functioning.

The White Nile, which flows from the south northerly, is the major artery for the transport of goods and people. In addition, the Sobat River and the Bahr el-Ghazal complement South Sudan's navigable waterways, further enhancing the reach of this mode of transport. These watercourses have the potential to link remote and landlocked regions with more accessible areas, thereby facilitating trade and commerce. Despite the promise of inland water transport in South Sudan, there are notable challenges. The nation's political developments and its security concerns have had a significant impact on the development and safety of transportation along these waterways.

Additionally, limited port and terminal infrastructure and the seasonal variability of water levels present hurdles for creating an efficient Inland Waterway Transport (IWT) system. During the wet season, when rivers are swollen with water, transportation becomes more feasible, but during the dry season, some sections of the rivers can become rather shallow and less navigable, making transportation more challenging.

The project will be implemented in the Juba to Bor section of the River Nile and other roads connecting South Sudan to the region. The project will later cover the major roads and riverine in the country if it is safe to do so. In the absence of a good road network, river transport is the only practical and cost-effective transportation alternative to reach communities along the White Nile and its tributaries. However, due to neglect during decades of conflict, river transport faces serious constraints in providing efficient and safe inland water transport services. Figure 1 below shows the location of the proposed ports located along the River Nile.



## 2.OVERVIEW OF LABOUR USE IN THE PROJECT

### 2.1 Rationale of the Labour Management Procedures

The Labour Management Procedures (LMP) have been developed to promote sound relationships between workers and management and thereby enhance the project development benefits by ensuring that workers in the project are treated fairly and provided with safe and healthy working conditions in compliance with the requirements of ESS2. The LMP aims to promote non-discrimination, equal access to opportunities by project workers, protect vulnerable workers and to prevent the use of all forms of forced labour and child labour in CGP. The LMP provides a framework to freely associate and collectively bargain for workers' rights in a manner consistent with national law. Additionally, the LMP establishes the labour grievance redress mechanism to provide workers with accessible means to raise workplace concerns and migrant workers, contracted workers, community workers, and primary supply workers.

### 2.2 Types of Workers

The LMP is applicable to all project workers whether full-time, part-time, temporary, or casual workers:

#### a) Direct Workers

Direct workers include all persons engaged directly by MoT and MRB to work specifically in relation to the project. They include, civil servants, consultants who will be assigned to work on the Project as well as, staff directly seconded by the Ministry at both national and state level offices who will support the project activities at different levels and with varied time commitments. The labour category of direct workers will be government civil servants (mainly those that belong to the Government of South Sudan, GoSS), MoT, MRB, State and district levels and staff from other relevant government ministries, departments and agencies deployed to provide requisite technical support to the project. The civil servants' employment shall be governed by the Labour Act of 2017. The Consultants contracted to work directly in the PIUs will be governed by a set of mutually agreed contracts. Specifically, the project will engage the following types of workers as direct workers:

- i. Project Implementation Units (PIUs): A PIU has been set up within the MoT with a dedicated Project Coordinator (PC) with the overall responsibility for the effective functioning of the Project. Another PIU will be established at MRB with its own Project Coordinator (PC). Staff covering cross-cutting functions including, procurement, finance, environmental and social risk management, have been on-boarded in the MoT/PIU. The MoT/PIU has hired one (1) Senior Environmental Risk Management Specialist, one (1) Social Risk Management Officer and one (1) Environmental Risk Management Officer. One (1) Senior Social Risk Management Specialist, one (1) Health and Safety Specialist, and

one (1) Gender/GBV Specialist will be hired prior project implementation to support and ensure compliance with the applicable ESS. These specialists will be shared by the two PIUs established at the MoT and MRB. Factoring that the project will be implemented between Juba to Bor section of the River Nile, the project will traverse the four (4) Counties of Juba, Terekeka, Bor and Awerial. Each Environmental Risk Management Officer will be assigned four Counties and each Social Risk Management Officer will as well be assigned four (4) Counties. The Senior Environmental Specialist and the Senior Social Specialists will provide overall technical support at the project level. This will bring the total number of E&S Specialists to four (4) and the number of E&S Officers to two (2). The timing of labour requirements covers project preparation to project completion.

- ii. Consultants: The PIUs will be supported by Technical Assistants/Advisors (TAs) hired directly by the PIUs to enhance the institutional capacity of the ministry and undertake the day-to-day project operations, covering policy formulation, setting up systems for project implementation, coaching and hands-on training of the sector staff and supporting sector-wide studies.
- iii. Temporary staff: The project will hire temporary workers as casuals including the project drivers and cleaners (the number of employees will be determined on a need-to-need basis).

#### b) Contracted Workers

Contracted workers will be employed as deemed appropriate by contractors, supervision consultants and subcontractors, as well as to serve as Third Party Monitors (TPM) based on the nature of their skills and project needs. Contracted workers may be engaged in the construction of Bor port, the access roads for Juba and Bor ports and the River Nile dredging works, while those hired as TPM may be involved in support managing activities such as monitoring the RAP implementation monitoring and audit, GM implementation, GBV/SEA/SH awareness, prevention and response, HIV/AIDS awareness, prevention and management, among others. Contractors may also hire casual unskilled labour from within communities where construction activities will occur. Contracted workers can either be full-time, part-time, temporary, or seasonal workers, who provide labour to the project.

#### c) Primary Supply workers

Primary supply workers would be engaged by MoT/MRB/PIUs to supply goods, materials and equipment including inland water transport prototype vessels on an ongoing basis, as well as construction materials.

#### d) Community workers

Community workers will not be involved in the project.

e) Migrant workers

Migrant workers will potentially migrate from other countries to South Sudan or from other parts of South Sudan to the project areas for purposes of employment in the CGP activities in various capacities either as skilled or semi-skilled workers. Migrant workers could be hired by the PIUs, Contractor's, Supervision Consultants, TPM, and suppliers.

## 2.3 Number of Project Workers

a) Direct Workers

MoT and MRB will employ approximately 20 persons to work in the Project Implementation Units of the SS-CGP. MoT and MRB will also directly hire technical assistance experts to support its functions on a need-to need basis.

b) Contracted Workers

The precise number of Project contracted workers will only become known during implementation. Nonetheless, as informed by the project designs, the project implementation shall involve approximately 5 Contractors that will lead to the recruitment of approximately 1200 workers comprising skilled workers, semi-skilled workers and casual workers. Possible roles to be taken up by these workers include roles in clearing and forwarding, fleet management, engineering, logistics operations, surveying, health and safety management, information management systems etc.

Furthermore, MoT and MRB might contract individuals or companies to carry out surveys, trainings and other assessments within the project.

c) Primary Suppliers Workers

The precise number of primary suppliers who will be engaged in the IWT including the access road construction activities is unknown at present. The number will be known prior to project implementation.

d) Migrant workers: The exact number of migrant workers to be engaged in the project is not known at this time, as the workers are expected to migrate either prior to, or during project implementation.

## 2.4 Characteristics of workers

Given the nature of construction activities, it is likely that the construction workforce will comprise different skill levels and be predominantly male. It is however expected that a considerable number of positions within the construction domain, as well as within other project components, will be filled by female workers. Special consideration will be given to female workers during the recruitment. In addition, measures will be put in place to ensure non-discriminatory and inclusive hiring.



The larger part of the workforce will be sourced locally with the exception of a few specialized positions that might be filled by expatriate workers. Priority in recruitment will be given to local communities where the project is under implementation, especially for persons affected by the project to support them towards restoring their affected livelihood.

## 2.5 Timing of labour requirements

- a) Direct workers: Direct workers are eligible to either work on a permanent basis on terms stipulated for civil servants, on a renewable contract or for a fixed contract period as agreed with MoT/MRB/PIUs. Project Consultants will be engaged for specified periods as agreed with the World Bank. The labour requirements including contract implementation schedule and deliverables will be stipulated in the respective workers' contracts.
- b) Contracted workers: Contracted workers will be eligible to work for a contract duration determined by MoT/MRB/PIUs, and as stated during recruitment by the Contractor, supervision consultants or sub-contractors. Contracts whose validity lapses during the project duration, will be renewed if required, based on satisfactory performance.
- c) Primary supply workers: The tenure of service of primary supply workers will be based on respective procurement agreements with the works Contractors. The timing of primary supply workers will run during the project implementation phase when the works Contractors are engaged.
- d) Migrant workers: SS-CGP will in addition to written documentation, provide verbal explanation of the working conditions and terms of employment of migrant workers, to alleviate possible misunderstanding of the documentation. Both domestic and foreign migrant workers hired directly by the Ministry of Transport and Ministry of Roads and Bridges or through a third party will be the same or substantially equivalent to those of non-migrant project workers performing the same type of work in the project. Examples of such applicable terms include, hours of work, overtime, remuneration, paid holidays, weekly rest, termination of contract terms, OHS, and any other relevant terms. SS-CGP will implement appropriate measures to prevent discriminatory treatment of migrant workers.

## 3.ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

The key labour related risks and their mitigation measures are:

- a) **Discrimination in employment** can occur in workplace in various ways:
  - Employers may impose requirements that are not necessary for a job but may result in excluding a specific group
  - Gender inequality in payment with men mostly at advantage

- Biasness in training and capacity building
- Disproportionate termination of contracts with old and female employees often targeted
- Inappropriate treatment and harassment of project workers due to their age, religion, gender, sexual orientation, disability and ethnicity.

***Risk mitigation:***

Promotion of the principles of free, fair, transparent and equality in recruitment processes, payments, promotional opportunities, treatment of workers and prohibiting discrimination on the basis of gender, sexual orientation, race, ethnicity, age, health, socioeconomic status or whichever form.

- b) **Child Labour:** According to UNICEF, the repercussions of child labour are far reaching and staggering. It can “result in extreme bodily and mental harm, and even death. It can lead to slavery and sexual or economic exploitation. And in nearly every case, it cuts children off from schooling and health care, restricting their fundamental rights and threatening their futures”. The minimum age for employment in the Project will be the age of 18. All potential project workers will be required to avail documentation such as a birth certificate, national identification card, passport, or medical or school record, for verification of their age.

c)

***Risk mitigation***

Child labour risk will be mitigated through verification of labourer’s age using legally recognized methods. Presentation of personal identification documentation that is recognized by law such as the national identification card, passport, a birth certificate or alternatively a letter from a religious leader or local leader such as a village chief, confirming that the potential worker has attained the minimum age of 18 years, will be a mandatory requirement for consideration for employment in the project. CGP shall monitor labour recruitment to ensure that no children are recruited and supplied as workers and that there are no workers subjected to ‘forced labour’ in any form. Further, awareness raising sessions shall be conducted regularly for the local communities to sensitize them on the project’s zero tolerance to child labour.

d) **Forced Labour**

Forced labour in form of debt bondage and trafficking for little or no pay. The victims are the most vulnerable, women and girls forced into prostitution, migrants trapped in debt bondage, and sweatshop or farm workers kept there by clearly illegal tactics and paid little or nothing. Forced labour risk is likely. However, the project will mainly involve the line Ministries and PIUs. However, there may be potential risks related to construction works that are envisaged under Component 1 and 2. The Project will not allow any form of forced, slavery, servitude, trafficking and all applicable ESS2 provisions.

### ***Risk mitigation***

The employment of project workers will be based on the principle of fair treatment; The project management will hold sensitization meetings on forced labour and conflict resolution mechanisms; The contracts with third parties will include prohibition of forced labour, as part of the monitoring system requirements.

All contracts will have contractual provisions to comply with the non-use of forced labour requirements including penalties for non-compliance in-line with the relevant national laws. The project Environmental and Social Management Plan (ESMP) of each works will clearly forbid the use of forced labour.

#### **e) Sexual Harassment (SH) & workplace Sexual Exploitation & Abuse**

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature. SH differs from SEA in that it occurs between personnel/staff working on the project, and not between staff and project beneficiaries or communities.

Workplace Sexual Exploitation and Abuse (SEA) is defined as any actual or attempted abuse of a 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. Sexual abuse is further defined as “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.” Women, girls, boys and men can experience SEA. In the context of World Bank supported projects, project beneficiaries or members of project-affected communities may experience SEA.

The distinction between SEA and SH is important so that agency policies and staff training can include specific instructions on the procedures to report each. Both women and men can experience SH.

### ***Risk mitigation***

All direct and contracted workers will sign a code of conduct outlining expected standards of behavior in this regard, including the sanctions for participating in such vices. Workers will be required to attend regular awareness sessions on Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) prevention and response in the project context.

f) **Occupational Health and Safety:** A key labour risk associated with the Project is the risk of accidents involving workers, because of the potentially hazardous work environment. The more serious risks include suffocation in confined spaces such as drainage channels, the collapse of excavations like deep trenching. Other general OHS risks include:

- Exposure to noise and dust, falling objects, and exposure to electrical hazards from the use of tools and risk of drowning when working close to water bodies
- Working at height
- Handling solid waste and sludge
- Exposure to wastewater
- Exposure to chemicals such as paints, solvents, lubricants, and fuels
- Traffic accidents
- Lifting of heavy structures resulting in injury
- Bites from snakes, wasps, bees, etc.
- Welding hazards (fumes, burns and radiation)

The OHS risks are expected in both the construction and operation phases. The risks in the specific phases include:

#### **Construction period OHS risks:**

- Excavation risks including falling in and collapse of excavation and trapping workers in excavation
- Risk of work-at-height
- Hit or trapped by falling, moving, or rotating machines/equipment/objects
- Risk during heavy weight lifting operations
- Risk of hot works, electrocution, and fire
- Risk of drowning while dredging and performing other water-based activities
- Exposure to air emission, noise, and vibration
- Exposure to hazardous materials and waste
- Traffic and road safety risk
- Poor housekeeping
- Manual handling
- Biological risks (venomous animals, insects).

#### **Operation period OHS risks:**

- Risk from use of heavy equipment and machineries to handle cargo
- Risk of work-at-height, particularly during operation of cranes and other weight lifting machines
- Risk during lifting of loads
- Confined space entry including entry in vessels, storage silos, and tanks
- Safety risk of vessels including fire, explosion, capsizes, and drowning
- Fugitive dust, exhaust fumes, and noise emissions in ports, logistic areas, vessels, etc.
- Exposure to chemicals (such as fossil fuel) used for operation of ports and vessels, and during hazardous goods handled
- Traffic risk in ports and logistic areas, as well as road safety risk on last mile connections

- Ergonomic and manual handling risks.

### ***Risk mitigation***

Job risk hazard assessment shall be conducted to identify the potential risks and hazards at work and to devise appropriate mitigation measures to safeguard workers during the project phases; The MoT/MRB/PIUs will ensure that each active work site will have a trained and certified first aid technician/medical officer, when workers are on duty, with adequate medical and related health supplies to address worker construction and related injuries at remote, isolated worksites throughout the project area; The MoT/MRB/PIUs will prepare and implement an Occupational Health and Safety Plan in accordance with ESS4 and based on the results of the Risk Hazard Assessment (RHA) in conformity with ESS2. The MoT/MRB/PIUs will require that Contractor's install warning signs, barricades appropriately at all active worksites throughout the duration of work at each respective site; The contractor will ensure that all workers are provided with appropriate personal protective equipment (PPE) and that they receive regular health and safety training.

Specific mitigation measures for construction period risks include:

- Construction area shall be fenced off to create an exclusion zone.
- Excavations shall be supported by sloping, battering, shoring, etc.
- Do not stack/place excavation spoils on the rim or top of pits/trenches.
- Do not stack/place construction materials on the rim or top of pits/trenches.
- Do not place machines/equipment on the rim or top of pits/trenches.
- Investigate the stability of existing structures adjacent to excavations (if any) before the work commences and if there is a need to consider measures such as pile shoring before excavations begin.
- Excavations must have proper ingress and egress, and the access shall be positioned in the supported excavation area.
- Excavations must have edge protections or barriers around the rim or top so that persons will not fall in.
- Machine operations must take special care when operating near excavation rim/top.
- Never throw tools or materials down to workers in an excavation.
- Check availability of existing utilities (if any) before excavation begins and take care during excavation for not to inadvertently strike existing utilities, where there is doubt hand dig carefully.
- All work at height must be done on proper scaffolds; working on drums, barrels, wooden planks, stacks of bricks is strictly prohibited.
- Scaffolds must be fully boarded, fitted with guard rails, toe boards, and outriggers.
- Scaffolds shall have proper access ladders/stairs.

- Scaffolds shall be placed on a firm and level ground.
- Scaffolds shall be inspected periodically for their integrity and safety.
- Ladders can only be used for short duration work or inspection which can be done safely.
- Wooden ladders must not be used.
- Formwork shall be structurally designed and checked before installation, accounting its self-weight, weight of wet concrete, weight of persons standing on it during erection and concrete casting, and weight of equipment on the formwork such as vibrators.
- Formwork stripping must be done by competent workers with safe procedures.
- Make sure that workers (other than the trained workers) are not under the formwork during stripping.
- Do not throw materials and debris from heights, use chutes instead.
- During operating machines, make sure that workers are not working near the machines and access is restricted around the machines in operation.
- Make sure that weights to be lifted are within the capacity of the lifting machines/equipment.
- Properly secure the load or any part of the load which might slip and fall during lifting operations.
- Workers must not be underneath the weight to be lifted during the operation, access to the lifting area shall be restricted.
- Maintain housekeeping of work area to prevent risk of fire (remove unnecessary accumulated debris, flammable liquids/gases, wooden materials, plastics, etc.).
- Insulate all open electric conductors.
- Electrical equipment must not be operated in wet environment.
- Hot works must not be done near flammable materials.
- Hot works area must be covered by screens and only the assigned worker shall be in the screened area.
- Hot works shall not be done for continuous period, rather allow breaks during hot works to avoid overheating of workers and ensure access to safe drinking water.
- Completely barricade working areas, i.e., riverbanks at the dredging sites, to create exclusion zones.
- Ensure safe ingress & egress to the dredging areas.
- Workers to be briefed about safe work procedures prior to engaging in the dredging work.
- Qualified personnel shall be assigned to the dredging work.
- Provide sturdy barrier or edge protection to prevent workers from falling into the river.
- Provide life jackets or floaters for workers directly engaged in the dredging work. The life jackets shall be auto-inflating and can be always worn.

- Grab lines shall be tensioned downstream of the dredging work and across the river so that overboard workers can grab the lines and avoid drowning.
- Develop a procedure to raise alarm when workers fall into the river so that they are immediately rescued.
- Rescue boats with competent operators shall be provided at the dredging sites.
- Do not leave construction debris/refuse lying about in the work area, clean up frequently.
- Ensure that all waste is disposed of in the correct bin, segregate wastes.
- Do not obstruct walkways or access with tools or materials.
- Make sure that spilled oil, grease, or liquids are cleaned up from floors.
- Appropriately and frequently dispose cut-off or excess timber, reinforcing bars, and any other material.
- Position all cables and hoses out of the way, do not lay cables and hoses across a pedestrian walkway.
- Use mechanical equipment as much as possible to avoid manual handling.
- Workers shall be given work based on their physical capabilities and jobs they can reasonably handle.
- Always check the weight of a load before manually lifting.
- Know the correct way of lifting weight before attempting.
- When working with hand tools, select proper tools for the job, make sure they are in good condition, and use them correctly.
- Use appropriate types of PPE for each work type, wear high visibility vest, hard hat, and safety boots at all times.
- Speed of construction machines, trucks and vehicles shall be controlled in the work area.
- Flagmen shall be assigned to coordinate traffic.
- Traffic signs shall be used during specific works in progress.
- Safety zones must be created in the work area with the speed of the traffic taken into account.
- Avoid wild or stray animals.
- Be aware of presence of snakes and other reptiles in the dredging areas, back away from them slowly and do not touch or agitate them.
- Wear PPE to protect workers from attack from venomous and other animals.
- Immediately seek medical attention for workers attacked by venomous, wild and stray animals.
- Safety signs shall be used to communicate with workers, visitors, and the public.
- Valid first aid and trauma kits shall be made available at the work area and shall be replenished after use.
- Training first aider shall be available at the work area at all times.
- Worker's amenities shall be provided including eating area, sanitation facilities, and potable water.

Specific mitigation measures for operation period risks include:

- Cargo lifting and hauling machines shall be operated by trained workers.
- All work at height shall be done on proper scaffolds; working on drums, barrels, wooden planks, stacks of HCBs and bricks is strictly prohibited.
- Scaffolds shall be fully boarded, fitted with guard rails, toe boards, and outriggers.
- During operating machines, make sure that workers are not working near the machines and access is restricted around the machines in operation.
- Make sure that weights to be lifted are within the capacity of the lifting machines/equipment.
- Properly secure the load or any part of the load which might slip and fall during lifting operations.
- Workers shall not be underneath the weight to be lifted during the operation, access to the lifting area shall be restricted.
- Adequate fresh air ventilation must be provided in confined spaces.
- Under no circumstances shall workers enter a confined space without instructions from supervisor(s).
- All necessary safety and rescue equipment must be available on site before entry into confined space.
- Provide fire arrest equipment, with volume commensurate to the volume and type of flammable materials available at construction area.
- Consider relevant mitigation measures indicated under construction period above for similar risks during the operation period.

g) **Communicable disease transmission at the worksites.** The inevitable proximity of workers at construction sites, as well as physical exertion and hard breathing are all factors that could increase respiratory disease transmission if precautionary measures are not taken.

#### ***Risk mitigation***

MoT/MRB/PIUs will be responsible for conducting regular awareness trainings/consultations with project-affected local communities and with all project workers, including workers engaged/employed through Contractors/Sub-Contractors and primary suppliers regarding communicable diseases, such as, respiratory disease, HIV/AIDS and other STIs, that could be spread in the project. The Contractors will be required to maintain high standards of hygiene.

h) **Security risks.** Various conflicts at the local and national levels have created a challenging security situation in the project areas particularly in the areas surrounding Bor and beyond. Consequently, MoT and MRB will only implement activities in low to medium risk portions of the project area.



### **Risk mitigation**

This may necessitate the use of security personnel in some circumstances. To mitigate potential security risks, the project will comply with the guidance provided in the *World Bank Good Practice Note on Assessing and Managing the Risks and Impacts of the Use of Security Personnel*. The provisions in the project Security Management Plan (SMP) will be followed.

- i) **Labour Influx:** A substantial number of jobs will be created; it is expected that the project locations will experience significant labor influx as most of the workers required by contractors will be sourced both locally and internationally. The subprojects that involve civil works: (i) are large in size and scope; (ii) mainly require semi-skilled and skilled workers; and (iii) have a long implementation period. In addition, MoT and MRB will encourage contractors to prioritize the recruitment of unskilled labor from the target locations, thus further reducing the risk of labor influx. However, some subprojects will require skilled workers for short periods, for example impact assessment, port and road studies, hydrodynamics and bathymetry surveys. Skilled workers such as port design engineers are likely to come from outside South Sudan.

Therefore, the labour influx under SS-CGP is expected to be high. The respective project ESIAs will determine the requirement for Labour Influx Management Plan. However, an influx of skilled foreign workers or refugees is highly unlikely due to security restrictions, and restrictive local labour procedures. The Project will establish dedicated worker accommodations to host workers originating from areas far from the project location.

### **Risk mitigation**

The MoT/MRB/PIUs will use contractual requirements to mitigate labour influx, require signed Code of Conducts for workers and enforce measures set out in this LMP and the Environmental and Social Management Plan (ESMP) to manage risks associated with labour influx in a manner consistent with ESS2. In addition to written documentation, a verbal explanation of the working conditions and terms of employment of migrant workers will be provided, to alleviate possible misunderstanding of the documentation. The terms and conditions of employment for migrant workers will be the same or substantially equivalent to those of non-migrant project workers performing the same type of work in the project. Examples of such applicable terms include, hours of work, overtime, remuneration, paid holidays, weekly rest, termination of contract terms, OHS, and any other relevant terms. Additionally, appropriate measures to prevent discriminatory treatment of migrant workers will be implemented.

#### **j) Inadequate Payment Issues**

Workers may negotiate with Contractor's their remuneration rates and enter into employment agreements. However, dissatisfaction over the agreed rates may arise

from the workers upon realization that the rate is not competitive or standard with other employers in the area. This could result in grievances, unrest, and threatened boycott of duties.

### ***Risk mitigation***

Contractors will be required to assess market rates within the sector for the positions they are recruiting for, prior to negotiating the employment terms with prospective workers. Salary payments shall be made on a monthly basis for salaried workers as stipulated in the employment contract, while casual workers be paid their agreed wage rates as specified in their contracts.

## **4. BRIEF OVERVIEW OF LABOUR LEGISLATION**

The SS-CGP will comply with the national laws, policies and the World Bank Environmental and Social Framework relating to labour, by conforming to the requirements of the World Bank ESS2 on labour and working conditions. The South Sudan Labour Act 2017 has been evaluated to determine its consistency with the ESF, and where inconsistencies have been noted, gap filling measures have been prescribed. **Table 1** below provides a point-by-point and sequential comparison of ESS2 labour requirements, with the requirements spelled out in the South Sudan Labour Act 2017.

**Table 1. Comparison of ESS2 requirements and requirements under the South Sudan Labour Act 2017**

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
<b><i>Terms and Conditions of Employment</i></b>		
<ul style="list-style-type: none"> <li>Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment.</li> <li>The information and documentation will set out rights (hours of work, wages, overtime, compensation and benefits) under national labour and employment law (which will include any applicable collective agreements).</li> <li>Information and documentation will be provided at the beginning of the working relationship and when material changes to the terms or conditions of employment occur.</li> </ul>	<ul style="list-style-type: none"> <li>Section 43 stipulates that every employment contract shall contain all necessary to define the rights and obligations of the parties including; name of employer, nature, duration and place of employment.</li> <li>No employment contract shall provide less favourable conditions for the employee than those provided for under this Act and any applicable law, regulation or Collective Agreement.</li> <li>An employer shall provide an employee with information on fundamental rights and particulars of employment, copies of contracts in a form an employee can understand.</li> </ul>	The South Sudan Labour Act 2017 aligns with ESS2 requirements. In addition to the requirements of Section 43 of the Labour Act 2017, CGP will ensure that the requirements of ESS2 are met if there is any material change to the terms or conditions of employment.
<ul style="list-style-type: none"> <li>Project workers will be paid on a regular basis as required by national law and labour management procedures.</li> </ul>	<ul style="list-style-type: none"> <li>Section 49 requires that payment of wages/salaries shall be made during working hours of working days at or near the place of employment or to bank account advised in writing by employee to employer.</li> <li>Employers shall pay wages/salaries of employees as follows: 1) for employees employed on an hourly or daily basis, at the end of each day; 2) for employees</li> </ul>	CGP will meet the requirements of ESS2. The South Sudan Labour Act 2017 aligns with ESS2 requirements.

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
	employed for a period of up to one month, at the end of each month; and 3) for employees employed to perform a specific task, at the end of completion of the task.	
<ul style="list-style-type: none"> <li>Deductions from payment of wages will only be made as allowed by national law or the labour management procedures, and project workers will be informed of the conditions under which such deductions will be made.</li> </ul>	<ul style="list-style-type: none"> <li><i>Section 51:</i> An employer shall pay the net due to the employee;</li> </ul> <p>Notwithstanding sub-section (1) above, following deductions from the wage/salary of an employee shall be made:</p> <ol style="list-style-type: none"> <li>taxes, rates, subscriptions or contributions provided by law;</li> <li>alimony or child-care payments ordered by a competent court;</li> <li>an amount due from an employee as a contribution to a pension scheme, or other scheme established or maintained by the employer or any other person, provided that such scheme has been approved by the office of the Labour Commissioner and that an employee has agreed to contribute;</li> <li>a reasonable amount by way of rent for any accommodation provided by an employer to an employee, or for goods sold by the employer to the employee; provided that prior consent of the</li> </ol>	<p>The South Sudan Labour Act 2017 aligns with ESS2 requirements.</p>

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
	<p>employee has been obtained to the deduction;</p> <p>e) Subscriptions or levies payable by an employee to a registered trade union on account of membership of such trade union, subject to the requirements of 86 of this Act.</p>	
<ul style="list-style-type: none"> <li>Project workers will be provided with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law and labour management procedures.</li> </ul>	<p><b>Section 60:</b> An employee is entitled to annual leave with full pay as follows: a) after continuous service of one year or more but less than three years, twenty-one working days per year; b) after continuous service of three years or more but less than fifteen years, twenty-five working days per year; and c) after continuous service of fifteen years or more, thirty working days per year.</p> <p><b>Section 63</b></p> <ul style="list-style-type: none"> <li>An employee is entitled to 12 days of sick leave on full pay per year of continuous service.</li> </ul> <p><b>Section 64</b></p> <ul style="list-style-type: none"> <li>A female employee is entitled, on each occasion she is pregnant, to 90 days' maternity leave with full pay; and 45 days for breastfeeding while working for half day as stipulated in subsection 7 below.</li> </ul> <p><b>Section 65</b></p>	<p>CGP will meet the requirements of ESS2. The South Sudan Labour Act 2017 aligns with ESS2 requirements</p>

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
	a) An employee is entitled, on each occasion that his wife is pregnant, to two weeks of paternity leave on full pay.	
<ul style="list-style-type: none"> <li>Where required by national law or the LMP, project workers will receive written notice of termination of employment and details of severance payments in a timely manner.</li> <li>All wages that have been earned, social security benefits, pension contributions and any other entitlements will be paid before termination and provided with evidence of such payments.</li> </ul>	<p><b>Section 72: 1)</b> An employment contract may be terminated by either party upon payment of dues:</p> <ul style="list-style-type: none"> <li>a) after continuous service by the employee for one year or more, one-month notice to the other party;</li> <li>b) after continuous service by the employee for six months or more, but less than one year on two weeks' notice to the other party;</li> <li>c) after continuous service by the employee for less than six months, one week notice to the other party.</li> </ul> <ul style="list-style-type: none"> <li>Subject to sub-section (3) (d) an employment contract for a definite period or for a specified task shall come to an end upon expiry of the defined period or completion of the specified task without either party giving notice to the other party.</li> </ul> <p><b>Section 74</b></p> <p>1) An employer may terminate employment contract where an employee is incapable of performing work required by his or her</p>	CGP will meet the requirements of ESS2. The South Sudan Labour Act 2017 aligns with ESS2 requirements.

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
	employment contract due to an illness or injury certified by the South Sudan Medical Commission to be permanent.	
<ul style="list-style-type: none"> <li>Decisions relating to the employment or treatment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.</li> </ul>	<ul style="list-style-type: none"> <li><b>Section 6:</b> No person shall discriminate, directly or indirectly, against an employee or job applicant in any work policy or practice.</li> <li>For the purpose of this section, discrimination includes any distinction, exclusion or preference with the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, based on any of the following grounds: race; tribe or place of origin; national extraction; colour; sex; pregnancy or childbirth; marital status; family responsibilities; age; religion; political opinion; disability or persons with special needs; Health and HIV/AIDS; or Membership in a trade union or participation in Trade union activities.</li> </ul>	The South Sudan Labour Act 2017 aligns with ESS2 requirements, while CGP will ensure no discrimination also based on sexual orientation.
<ul style="list-style-type: none"> <li>The labor management procedures will set out measures to prevent and address harassment, intimidation and/or exploitation. Where national law is inconsistent with this paragraph, the project will seek to carry out project activities in a manner that is consistent with the</li> </ul>	<p><b>Section 7:</b> No person shall sexually harass an employee or an employer. This shall be an offense against an employee and which by its nature has a detrimental effect on that employee's job performance or satisfaction.</p> <ul style="list-style-type: none"> <li>An employer shall ensure that no person shall sexually harass an employee in the</li> </ul>	The South Sudan Labour Act 2017 aligns with ESS2 requirements.

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
requirements of this paragraph to the extent possible.	<p>course of such employee's work for the employer.</p> <ul style="list-style-type: none"> <li>An employer who employs twenty or more employees shall, after consulting with the employees' representatives, issue a policy statement on sexual harassment, shall contain, at a minimum: the definition of sexual harassment; and a statement:</li> </ul> <p><b>Section 8:</b> Every employee shall be entitled to equal remuneration for work of equal value.</p> <ul style="list-style-type: none"> <li>Every employer shall take steps to guarantee equal remuneration for every employee for work of equal value.</li> </ul>	
<ul style="list-style-type: none"> <li>Provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers and children, depending on the circumstances of the project worker and the nature of the vulnerability.</li> </ul>	<ul style="list-style-type: none"> <li><b>Section 70:</b> The Minister may promulgate regulations governing employment of apprentices, persons with disabilities and any other category of employee he/she may deem necessary to be protected under this Act.</li> </ul>	CGP will apply the ESS2 requirements.
<b>Protecting the Work Force</b>		
<b>Child Labour and Minimum Age</b>		
The labour management procedures will specify the minimum age for employment or engagement in connection with the project, which will be the age of 14 unless national law specifies a higher age.	<p><b>Section 12.</b></p> <p>a) Subject to the provisions of sub-section (3) this section, no person shall engage or permit the</p>	The South Sudan Labour Act 2017 aligns with ESS2 requirements, while CGPCGP will not allow



ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
<p>A child over the minimum age and under the age of 18 may be employed or engaged in connection with the project only under the following specific conditions:</p> <ul style="list-style-type: none"> <li>a) an appropriate risk assessment is conducted prior to the work commencing;</li> <li>b) regular monitoring of health, working conditions, hours of work and the other requirement of ESS2.</li> <li>c) manner that is likely to interfere with the child's education.</li> </ul>	<p>engagement of a child under the age of 14 years.</p> <ul style="list-style-type: none"> <li>b) A child who has attained the age of twelve years may be engaged to perform light work, provided that such work:</li> <li>c) is not harmful to the child's health or safety, or the child's moral or material welfare or development; and</li> <li>d) does not interfere with the child's attendance at school, participation in vocational orientation or training programmes approved by the Minister or the child's capacity to benefit from instruction received.</li> </ul> <p><b>Section 13:</b> No person shall engage or permit the engagement of a child under the age of eighteen years in any hazardous work, which constitutes the worst forms of child labour.</p>	<p>employment of any child below the age of 18.</p>
<b>Forced Labour</b>		
<ul style="list-style-type: none"> <li>• Forced labour, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty, will not be used in connection with the project. This prohibition covers any kind of involuntary or compulsory labour, such as indentured labour, bonded</li> </ul>	<p><b>Section 10: Prohibition of Forced Labour</b></p> <ul style="list-style-type: none"> <li>• No person shall engage in the recruitment or use of forced labour or assist any other person to engage in such activities.</li> <li>• Forced labour shall not constitute forced labour: (a) any work or service exacted by virtue of compulsory military service laws</li> </ul>	<p>The South Sudan Labour Act 2017 aligns with ESS2 requirements.</p>

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
labour, or similar labour-contracting arrangements. No trafficked persons will be employed in connection with the project.	or for work of a purely military character, provided that the recruitment of children for use in armed conflict shall be deemed to be forced labour; (b) any work or service which forms part of the normal civic obligations of citizens; (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the work or service is carried out under the control and supervision of a public authority; (d) any work or service exacted in case of emergency, such as in the event of war, natural disaster or calamity; or (e) Minor community service.	
<b>Grievance Mechanism</b>		
<ul style="list-style-type: none"> <li>A grievance mechanism will be provided for all direct workers and contracted workers (and, to raise workplace concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and will operate in an independent and objective manner. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in</li> </ul>	<p><b>Section 24:</b> Subject to the provisions of chapters IX and X and any other relevant provisions of this Act or relevant law, the Commission shall:</p> <ul style="list-style-type: none"> <li>resolve through conciliation a dispute reported to it under this Act;</li> <li>upon agreement of the parties, resolve through arbitration a dispute submitted to it under this Act;</li> <li>upon application, order a party to negotiate in good faith;</li> </ul>	CGP will adopt the ESS2 requirements.

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
place to protect them against any reprisal for its use.	<ul style="list-style-type: none"> <li>upon request, provide a party to a dispute advice on the procedure to be followed for the resolution of the dispute;</li> <li>upon request, provide any employee, employer and registered Trade union or registered Employers Association with advice and training relating to the prevention and settlement of any dispute;</li> </ul>	
<b>Occupational Health and Safety (OHS)</b>		
The OHS measures will be designed and implemented to address: identification of potential hazards to project workers, particularly those that may be life threatening; provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances; training of project workers and maintenance of training records; documentation and reporting of occupational accidents, diseases and incidents;	<ul style="list-style-type: none"> <li><b>Section 111:</b> An employer shall, in consultation with employees and such other persons, carry out a risk assessment in relation to the safety, health and welfare of employees and other persons present at the workplace.</li> <li>An employer shall develop, in consultation with employees and such other persons a safety, health and welfare policy, setting out measures the employer shall take to comply applicable law or regulation in force.</li> <li>The employer shall take practicable steps to train workers on safety, health and welfare.</li> </ul>	The South Sudan Labour Act 2017 aligns with the ESS2 requirements.
<ul style="list-style-type: none"> <li>Employers will develop and implement procedures to establish and maintain a safe working environment, including that workplaces, machinery, equipment and processes under their control are safe and</li> </ul>	<ul style="list-style-type: none"> <li><b>Section 110:</b> An employer shall ensure safety, health and welfare at workplace for all the employees. (2) Without prejudice to the generality of sub-section (1) above, an employer shall be responsible for: provision</li> </ul>	South Sudan laws align with the ESS2 requirements.

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
without risk to health, including by use of appropriate measures relating to chemical, physical and biological substances and agents.	and maintenance of good order of any plant, system or procedure of work by ensuring that such plant, system and procedure are safe to the employees; taking reasonably practicable measures to ensure safety and the absence of risk to health in connection with the use, handling, storage and transport of any article and substance.	
<ul style="list-style-type: none"> <li>Workplace processes will be put in place for project workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.</li> </ul>	<b>Section 112:</b> <ul style="list-style-type: none"> <li>Any person who to some extent is in control of a workplace or means of access to a workplace or egress from workplace or any plant or substance provided for the use or operation of persons at workplace shall ensure, that such premises, means of access to workplace or egress from such premises or plant or substance, as the case may be, is safe and without risks to health.</li> </ul>	South Sudan laws align with the ESS2 requirements.
<ul style="list-style-type: none"> <li>Project workers will be provided with facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate areas for rest. Where accommodation services are provided to, policies will be put in place and implemented on the management and quality of accommodation to protect and promote the health, safety, and well-being.</li> </ul>	<ul style="list-style-type: none"> <li>South Sudan Laws does not include any provision.</li> </ul>	MoT/MRB/PIUs will apply the ESS2 requirements and will ensure that the same provisions are made available to contracted workers.

ESS2 Requirements	South Sudan Labour Act, 2017	Gap filling measures
<ul style="list-style-type: none"> <li>A system for regular review of occupational safety and health performance and the working environment will be put in place and include identification of safety and health hazards and risks, implementation of effective methods for responding to identified hazards and risks.</li> </ul>	<ul style="list-style-type: none"> <li><b>110:</b> ensuring that employees participate in the application and review of safety and health measures.</li> </ul>	MoT/MRB/PIUs will apply the ESS2 requirements for direct and contracted workers. Contractors shall establish such systems for OHS risk management.
<b>Primary Supply Workers</b>		
<ul style="list-style-type: none"> <li>As part of the environmental and social assessment, the Borrower will identify potential risks of child labour, forced labour and serious safety issues which may arise in relation to primary suppliers.</li> </ul>	<p><b><i>Child labour Act Sect 25</i></b></p> <ul style="list-style-type: none"> <li>Every child has the right to be protected from exposure to economic exploitation and child labour.</li> <li>For the purposes of this section, “a child shall not be employed” in mining and quarrying, portage of heavy load, construction work, industrial undertakings, heavy machinery, inter alia.</li> </ul>	South Sudan laws align with the requirements of ESS2. The Project will not employ persons under the age of 18. Contractors and consultants will verify the age of all workers, using documentation such as a birth certificate, national identification card, passport, medical or school record or a letter from a religious leader or the local authority confirming attainment of minimum age.
<ul style="list-style-type: none"> <li>Where there is a significant risk of child labour or forced labour related to primary supply workers, the primary supplier will identify those risks.</li> <li>The labour management procedures will set out roles and responsibilities for monitoring primary suppliers. If child labour or forced labour cases are identified, the Borrower will require the primary supplier to take appropriate steps to remedy them.</li> </ul>	<ul style="list-style-type: none"> <li>South Sudan Laws do not include any provision.</li> </ul>	MoT/MRB/PIUs will apply the ESS2 requirements.

## 5. POLICIES AND PROCEDURES

### 5.1 Working Conditions and Management of Worker Relationships

The Ministry of Transport (MoT) and Ministry of Roads and Bridges (MRB) will abide by the requirements for all direct and contracted workers under the Project. The MoT and MRB will ensure that information and documentation is provided to workers if there is any material change to the terms or conditions of employment.

Project staff will have individual agreements (labour contract or service contract) with fixed monthly wage rates. All the recruiting procedures will be documented and recorded. The following measures will be monitored by MoT and MRB, to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender;
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post;
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract;
- Employees will be informed at least one month before their expected release date of the coming termination;
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in a language that is understandable to both parties;
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.

Terms and conditions of workers recruited by contractors, including part-time workers, will be determined by their individual contracts.

Contractors must provide the workers with the following information:

- Their terms and conditions of employment including hours of work, wages, overtime, compensation and benefits, holidays, leaves, etc.;
- Adequate periods of rest per week, annual holiday and sick leave, as required by national law;
- Non-Discrimination and Equal Opportunity in the project;
- Measures to prevent GBV/SH and SEA in accordance to the ESF;
- Prohibit the use or support of child, forced or compulsory labour;
- Signed contracts with clear terms as per the South Sudan Labor Act 2017.

## 5.2 Non-discrimination and Equal Opportunity

The CGP will require that the employment of all project workers be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion, or termination of employment. The CGP will rely on the relevant provisions of the South Sudan Labour Act 2017 and ESS2 requirements, regarding the equal employment opportunities for all without discrimination on the basis of gender, age, disability, economic status, race, ethnicity, sexual orientation, among others.

The CGP will meet the ESS2 requirements regarding workplace harassment, intimidation and/or exploitation, including sexual exploitation and abuse (SEA) and sexual harassment (SH), by requiring all direct and contracted workers to sign the Code of Conduct that is part of the Project's ESHS requirement for Contractors.

## 5.3 Worker's Organizations

The Labour Act (Article 9) states all employees and employers, without restriction whatsoever, shall have the right to establish and, subject only to the rules of the trade unions or Employers' Association concerned, join trade unions or Employers' Association of their own choosing. As indicated in ESS2, CGP will not contravene workers' rights to belong to a worker's unions and collectively bargain for suitable working conditions, more particularly the provisions regarding the settlement of labour disputes.

## 5.4 Forced Labour

There is no provision prohibiting forced labour in the South Sudan Labour Code. The CGP will ban all forms of forced labour under the Project in compliance with ESS2.

## 5.5 Occupational Health and Safety

The CGP/PIUs will require all contractors to meet the OHS measures that are included in the present LMP and other CGP ESHS risk management instruments, which are informed by the requirements of the World Bank ESS2, the World Bank Group General Environmental Health and Safety Guidelines and the provisions of the South Sudan Labor Act 2017, most particularly on the requirement to:

- Put in place workplace processes for project workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health. Project workers who remove themselves from such situations will not be required to return to work until

necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal.

- Collaborate with other contractors in applying health and safety requirements, when workers from more than one contractor are working together in one location, without prejudice to the responsibility of each party for the health and safety of its own workers.

The OHS policies and procedures require that all contracted workers and subcontractors have received adequate training and information prior to commencement of new assignments, regarding work hazards and protection of their health from hazardous ambient factors that may be present.

The CGP/PIUs will establish and maintain a system for regular review of occupational safety and health performance and the working environment, including the identification of safety and health hazards and risks, the implementation of effective methods for responding to identified hazards and risks, setting priorities for taking action, and the evaluation of results. A general guideline for Occupational Health and Safety (OHS) Plan is provided in Annex 1.

MoT and MRB are committed to implement CGP:

- a) Complying with laws, policies, standards and other applicable requirements which relate to the occupational health and safety management.
- b) Enabling workers' active participation in OHS risks elimination through promotion of appropriate skills, knowledge and attitudes towards hazards management.
- c) Continually improving the OHS management system and performance.
- d) Communicating the health and safety policy statement to all persons working under CGP with emphasis on individual OHS responsibilities.
- e) Availing the health and safety policy statement to all interested parties at all CGP sites and facilities.

The CGP will have a designated Health and Safety (H&S) Specialist for the workplace or a section of the workplace for an agreed period. At a minimum, the H&S Specialist responsibilities will include:

- i. Identifying site-specific potential health and safety risks and hazards on a regular basis;
- ii. In collaboration with the employer, investigate the cause of occupational incidents at the workplace, identify root causes and design a standard corrective action plan for implementation;
- iii. Inspect the workplace including plants, machineries, and chemical, hazardous and non-hazardous substances, with a view to identifying, and eliminating potential hazards to ascertain the safety and health of employees;



- iv. Accompany any government or sector inspectors in the event of their visit, whilst that inspector is carrying out the inspector's duties in the workplace;
- v. Attend meetings of the safety and health committee to which that Health & Safety Specialist is a member;
- vi. Make recommendations to the employer in respect of health and safety matters affecting workers, through the safety and health committee; and
- vii. Where there is no safety and health committee, the health and safety specialist shall make recommendations directly to the employer in respect of any safety and health matters affecting the workplace.

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

- i. Ensure availability of first aid box on site and in all project vehicles at all times.
- ii. Provide Personal Protection Equipment (PPE) including protective masks, helmet, overall, ear plugs or noise muffs and safety shoes, and safety goggles etc. as appropriate to safeguard them against injuries and incidents.
- iii. Provide occupational health and safety training to all employees involved in work identified to be prone to risks and hazards following a detailed risk assessment.
- iv. Properly dispose of solid waste at designated permitted sites or landfills allocated by the local authorities; and retain the receipt of waste record from the relevant landfill authority.
- v. Provide employees with access to gender-appropriate toilets suitable for all persons, including those living with disabilities.
- vi. Avail wholesome drinking water for use by workers in the project offices, workmen campsites and access roads and port development sites.
- vii. Provide visitors on site with a health and safety induction prior to admission into the work areas.
- viii. Provide containments and leak-proof tank within a bunded area for oil and grease to avoid leakages or spills in the sites.

To enforce the compliance of occupational health and safety management, contractors are responsible and liable for safety of site equipment, laborers and suppliers attending to the construction site and safety of local communities for each project site, as mandatory measures.

## 5.6 Hiring of Contractors

The SS-CGP will follow the World Bank Procurement Regulations for solicitations and contracts. They will ensure that bidding contractors are legitimate and licensed according to the financier requirements. During the process of selecting contractors who will engage contracted workers, MoT and MRB may review the following information:

- Business licenses, registrations, permits, and approvals;

- Records of safety and health violations, and responses;
- Documents relating to a labour management system, including OHS issues;
- Workers' certifications/permits/training to perform required work;
- Accident and fatality records and notifications to authorities;
- Proof of workers' experience and enrolment in related projects;
- Worker payroll records, including hours worked and pay received;
- Enrolment of safety members and records of meetings; and
- Copies of previous contracts, showing inclusion of provisions and terms reflecting ESS2.

CGP/PIUs will ensure that the management of environmental, health, safety, and social risks (including labour related risks) are an integral part of their contract management, particularly works contracts. Minimum requirements applicable to contractors regarding these risks will be detailed in the standardized Environmental, Social, Health, and Safety requirements, including a Code of Conduct. The purpose of the Code of Conduct is to commit all persons engaged by the contractor, including subcontractors and suppliers, to acceptable standards of behaviour. Signature of the Code by an employee confirms that:

- They have received a copy of the Code of Conduct as part of their contract
- The Code of Conduct was explained to them as part of induction process
- They acknowledged that adherence to this Code of Conduct is a mandatory condition of Employment
- They understand that violations of the Code of Conduct can result in serious consequences, up to and including dismissal, or referral to legal authorities.

These ESHS requirements meet the national labour requirements, as well as the requirements of ESS2, and ESS4. In particular, the Occupational Health and Safety measures in the ESHS include:

- a) the identification of potential hazards to project workers, particularly those that may be life threatening;
- b) the provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances;
- c) training of project workers and maintenance of training records;
- d) documentation and reporting of occupational accidents, diseases and incidents;
- e) emergency prevention and preparedness and response arrangements to emergency situations; and
- f) remedies for adverse impacts such as occupational injuries, deaths, disability and disease.

## 6. RESPONSIBLE STAFF

### 6.1 Ministry of Transport (MoT) and Ministry of Roads and Bridges (MRB)

The MoT and MRB will have the overall responsibility to oversee all aspects of the implementation of the LMP, in particular to ensure and manage contractor compliance. The MoT and MRB will address all LMP aspects as part of procurement for works as well as during Contractor induction and project implementation. MoT/MRB/PIUs will review labour records and may require implementation of remedial actions if warranted. A summary of identified issues and remedial actions will be included in quarterly reports sent to the World Bank.

MoT and MRB procedures currently in place will remain for direct workers and this will be complemented by ESS2 requirements where there are gaps. In all cases, MoT and MRB will be updated in the monthly progress reports on the status of grievances management by the Contractors and will ensure that the Contractor is on track in resolving them.

The Environmental and Social Risk Management Specialists/Officers within the PIUs will oversee and guide all labour-related aspects of the Project. They will coordinate on a daily basis the project activities including relations with direct workers, contracted workers and primary supply workers.

The Ministry of Transport and Ministry of Roads and Bridges shall:

- Include the ESHS requirements in request for proposals (RFPs) for all construction activities.
- Request that bidders prepare a Preliminary Environmental and Social Management Plan (P-ESMP) as part of their tenders, outlining the principles and the methodology that they will use to meet ESHS requirements, and that they include the full cost of all the actions necessary to meet ESHS requirements in their submissions.
- Assess the quality of the P-ESMP, as well as past environmental and social performance, and capacity to meet ESHS requirements, when selecting contractors.
- Include the ESHS in all contracts, as special technical clauses, and also incorporate any additional requirements indicated in the subproject.
- Require selected contractors to prepare and submit to MoT/MRB/PIUs a Contractor ESMP (C-ESMP), detailing how they will operationalize ESHS requirements, including procedures and staffing.
- Review and approve the C-ESMP before the start of work
- Require that Contractors implement their respective C-ESMPs, and monitor their performance in doing so.

- Require the selected Contractors to establish a workers' Grievance Mechanism (GM) to address workplace concerns, which will be monitored by the MoT/MRB/PIUs. Require the selected Contractors to prepare a Code of Conduct as guided in Annex 2 of this LMP, explain to their workers prior to entering into employment and cause their workers to acknowledge their understanding of the same and willingness to comply by signing the code of conduct.

The Ministry of Transport and Ministry of Roads and Bridges shall provide sufficient training and orientation to contractors at different stages of awarding and implementation of the Project, to ensure their full understanding and compliance with the ESHS requirements.

MoT/MRB/PIUs shall ensure that the application of ESHS requirements are proportionate to the scope of the contract, the number of employees involved, and the level of risk arising from the nature and complexity of the activities involved.

MoT/MRB/PIUs shall be responsible for managing the project's GBV/SEA/SH risks. The MoT/MRB will hire a Gender/GBV Specialist within the PIUs to provide technical guidance and support to the project, on the identification and assessment of such risks and their prevention and response measures as guided by the project GBV/SEA/SH Prevention and Response Action Plan. Additionally, MoT/MRB/PIUs shall establish and manage a sub-GM specifically dedicated to GBV/SEA/SH issues, due to the sensitivity and confidential nature of the cases.

MoT/MRB/PIUs shall monitor the performance of contractors in relation to their contracted workers, focusing on compliance with their contractual agreements (obligations, representations, and warranties). Contractor's labour management reports shall include:

- a. representative sample of employment contracts;
- b. records relating to grievances received and their resolution;
- c. reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions;
- d. records relating to incidents of noncompliance with national law;
- e. records of training provided for contracted workers to explain the standardized Environmental and Social Clauses.

More broadly, MoT/MRB/PIUs shall conduct regular supervision check-ups to monitor and ensure the compliance of contractors with their respective C-ESMP.

## 6.2 Primary Supply Workers

Primary suppliers for SS-CGP may include suppliers of hardware such as, iron bars, trucks, containers and pulleys. Other construction materials may include sand, asphalt, marram, etc.

### ***Selection of primary suppliers***

When sourcing construction materials from primary suppliers, the contractor will require such suppliers to mitigate the risk of child labour/forced labour and serious occupational health and safety risks in producing the sourced materials. MoT and MRB will review and approve the purchase of primary supplies following such risk identification/assessment and any other relevant due diligence (such as the review of incorporation certificates and operational permits and licenses). Where appropriate, the contractor will be required to include specific requirements on child labour/forced labour and occupational health and safety issues in all purchase orders and contracts with primary suppliers.

### ***Remedial process***

If child labour/forced labour and/or serious occupational health and safety incidents are identified in relation to primary supply workers, MoT and MRB will require the primary supplier to take appropriate steps to remedy such violations. Such mitigation measures will be monitored periodically to ascertain their effectiveness. Where the mitigation measures are found to be ineffective, MoT and MRB will, within reasonable period, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements.

## **6.3 Contractors**

The Contractors will be responsible for providing and managing labour, working conditions, and occupational health and safety in accordance with contract-specific requirements on labour which must be in line with the requirements of World Bank ESS2. The implementation of the LMP will be supervised on an ongoing basis, or at shorter intervals as defined by specific Plans, by the Supervision Consultants, and the Environmental and Social Risk Management Specialists/Officers acting as the focal point.

### **Environmental and Social Liabilities of Contractors**

- a) Financial accountability: MoT and MRB will hold Contractors financially accountable for their environmental and social performance, as well as any environmental or social damage or prejudice caused by their staff, by including the following measures in bidding documents and contracts:
  - Mitigation measures to be included in the contract will be specified in the Contractor's ESMP approved by MoT and MRB.
  - Deductions for environmental noncompliance will be added as a clause in the Bill of Quantities (BOQ) section.

- Environmental penalties shall be calculated and deducted in each submitted invoice.
  - Any impact that is not properly mitigated will be the object of an environmental/social notice by MoT and MRB.
  - For minor infringements and social complaints, an incident which causes temporary but reversible damage, the contractor will be given a notice to remedy the problem and restore the environment. No further actions will be taken if the Project engineer confirms that restoration is done satisfactorily.
  - For social notices, the Project engineer will alert the contractor to remedy the social impact and to follow the issue until solved. If the contractor does not comply with the remediation request, work will be stopped and considered under no excused delay.
  - If the contractor hasn't remedied the environmental non-conformance during the allotted time, the Project engineer will stop the work and give the contractor a notification indicating a financial penalty according to the non-complied mitigation measure that was specified in the bidding document.
  - No further actions will be required if the Project engineer sees that restoration is done satisfactorily. Otherwise, if Contractor hasn't remedied the situation within one day any additional days of stopping work will be considered no excused delay.
  - Environmental notifications issued by the Project engineer might include one or more environmental penalty.
  - In the event of repeated noncompliance totalling 5% of the contract value, the Project Engineer will bring the environmental and social notices and the deduction history to MoT/MRB/PIUs procurement in order to take legal action.
- b) Occupational Health and Safety: Contractors will engage a Health and Safety Expert to ensure the day-to-day compliance with specified measures on site. Minor/indicative incidents will be captured in the monthly progress reports while, serious and severe incidents will be notified to the World Bank within 24 hours from the time of occurrence, followed by a detailed incident report within 10 working days.
- c) Labour Conditions: Contractors will keep records in accordance with specifications set out in this LMP. MoT/MRB/PIUs may at any time request to be furnished with records to ensure that appropriate labour conditions are provided and sustained. The supervision consultants will review records on different labour aspects against LMP requirements on a monthly basis, and give recommendations for remedial actions as necessary. The findings of the

supervision consultants review shall be compiled in the monthly reports and in quarterly reports sent to the World Bank.

- d) Training of workers: Contractors shall hire a qualified dedicated officer who is well versed with labour issues, and more importantly, local labour legislation. If training and capacity building of existing staff is required to enhance competency, this will be the Contractor's responsibility as specified in the contract. Furthermore, Contractors will enlist specialist services to administer training for workers to aid in addressing risks associated with labour influx such as SEA/SH. The Contractors will provide the Monitoring and Supervision Consultant with the schedule of trainings and mobilize workers to participate in such trainings. In light of any appearing pandemic, trainings will be guided by the Ministry of Health and World Bank guidelines.
- e) Contracted workers' grievances: Contractors will be required to facilitate the establishment of a worker's grievance redress mechanism for contracted workers, which will respond to the requirements of this LMP. Where workers' grievances are not timely and satisfactorily resolved, the Contractor will be required to escalate unresolved grievances to the Client or the Ministry of Labour for redress.

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#### 6.4 Third Party Monitors

Environmental and social risk management aspects, including labour, will also form part of the scope of the Third-Party Monitoring (TPM) services contracted by the MoT/MRB/PIUs. The TPM will report on the compliance with the relevant World Bank ESF requirements and on the implementation of environmental and social mitigation measures, including the Labour Management Procedures.

#### 7. AGE OF EMPLOYMENT

The Project will not employ persons under the age of 18. The SS-CGP will require all contractors and consultants to verify the identity and age of all workers, using documentation such as a birth certificate, national identification card, passport, medical or school record or a letter from a religious leader or local authority confirming that the employee has attained the age of 18. If a child under 18 is discovered working on the Project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child.

#### 8. TERMS AND CONDITIONS

The key terms and conditions applicable to the project include:

*Minimum Wage:* South Sudan legal framework does not prescribe minimum wages through statute. The Labor Act states that the Labor Advisory Council may recommend to the competent authority the review, adjustment and fixing of the minimum wage/salary, taking into account: (a) the basic needs of employees; (b) the general level of wages/salaries in the country; (c) the cost of living and changes in such cost; (d) the level of productivity; and (e) any other factor that the Council may deem fit.

*Normal Working Hours:* Normal working hours shall not exceed 8 hours per day and 40 hours per week.

*Break Rest:* Project implementing entities shall give project workers who works continuously for more than five hours, a break rest of meal for at least one continuous hour with pay.

*Rest per Week:* Project workers are entitled for a weekend holiday not less than twenty-four consecutive hours.

*Annual Leave:* Project workers are entitled to annual leave with full pay as follows: (a) after continuous service of one year or more but less than three years, twenty-one working days per year; and (b) after continuous service of three years or more but less than fifteen years, twenty-five working days per year.

*Sick Leave:* Project workers are entitled to 12 days of sick leave on full pay per year of continuous service.

*Maternity Leave:* A female project worker is entitled, on each occasion she is pregnant, to 90 days' maternity leave with full pay; and 45 days for breastfeeding while working for half day.

*Paternity Leave:* A worker is entitled, on each occasion that his wife is pregnant, to two weeks of paternity leave on full pay, to be taken within three days after the birth of his child or immediately following miscarriage by his wife.

*Compassionate Leave:* Project workers who are employed to work more than four days a week and have completed at least three months of continuous service for the project implementation entity, are entitled up to three days' compassionate leave on full pay each year.

*Equal Remuneration for Work of Equal Value:* Project workers shall be entitled to equal remuneration for work of equal value.

*Deductions from Remuneration:* Deductions from the wage/salary shall be made for taxes, rates subscriptions provided by law; alimony or child care payments ordered by a competent court; an amount due from an employee as a contribution to a pension scheme; a reasonable amount by way of rent for any accommodation provided by an employer to an employee; an amount on account of monies lent or advanced by the employer, subject to a written prior agreement; an amount for damage or loss to the property of employer provided that the damage or loss is on reasonable grounds proven of negligence and total amount deducted does not exceed the damage or loss actually suffered by the employer. An employee shall be informed of any such deductions.



*Prohibition of Forced Labor.* Project implementing entities shall not engage in the recruitment or use of forced labor or assist any other entity or person to engage in such activities.

*Worst forms of Child Labor.* Project implementing entities shall not engage or permit the engagement of a child under the age of eighteen years in any hazardous work, which constitutes the worst forms of child labor. Some of the CGP activities can be considered hazardous due to their nature or the circumstances in which they are carried out, such as work-at-heights; use of dangerous machines, equipment and tools; dredging activities which may pose risk of drowning; loading and unloading cargo; and operation of vessels. No child under 18 years will be contracted for any type of work under the project.

## 9. WORKERS' GRIEVANCE MECHANISM (GM)

A workers' grievance mechanism is required to address work place concerns from workers. The workers' grievance mechanism will entail a formal process for receiving, evaluating and redressing work-related grievances arising in the project context in an efficient and timely manner. Typical work place grievances include demand for employment opportunities; wage rates; delays of payment; disagreement over working conditions; human resource policy; worker's accommodation standards; discrimination; extended working hours and health and safety concerns in the work environment, requiring immediate addressing as possible.

Although worker's may be aggrieved in the workplace, they may not always raise grievances for fear of reprisal. Hence, the handling of workers' grievances shall be objective, transparent, prompt and responsive to the needs and concerns of the aggrieved workers and with assurance of no risk of reprisal or victimization. The workers' GM shall also allow for anonymous complaints to be raised and addressed. Individuals who submit their complaints or grievances to the workers' GM may request that their name be kept confidential and this shall be respected.

For the civil servants seconded to the project, their respective contracts alongside country labour laws and regulations that provide for reporting, management and redress of worker grievances consistent with ESS2, will be applicable.

The GM for workers will include: (i) procedures to receive grievances such as comment/complaint form, suggestion through boxes, email, and calls through a specific telephone line, (ii) stipulated timeframes to respond to grievances, (iii) a register to record and track the timely resolution of grievances, and (iv) a focal point responsible to receive, record and track resolution of work-related grievances. They shall adhere to the following principles:

*Provision of information.* All workers shall be informed about the grievance mechanism at the time they are hired, and details about how it operates shall be easily available, for example, included in worker documentation and on notice boards.

*Transparency of the process.* Workers must know to whom they can turn in the event of a grievance and the support and sources of advice that are available to them. All

line and senior managers must be familiar with their organization's grievance procedure.

*Keeping it up to date.* The process shall be regularly reviewed and kept up to date, for example, by referencing any new statutory guidelines, changes in contracts or representation.

*Confidentiality.* The process shall ensure that a complaint is dealt with confidentially. While procedures may specify that complaints shall first be made to the workers' line manager, there shall also be the option of raising a grievance first with an alternative manager, for example, a human resource (personnel) manager.

*Non-retribution.* Procedures shall guarantee that any worker raising a complaint will not be subject to any reprisal.

*Reasonable timescales.* Procedures shall allow for time to investigate grievances fully, but shall aim for swift resolutions, something that is critical in case of any concern with staff safety and security. The longer a grievance is allowed to continue, the harder it can be for both sides to get back to normal afterwards. Time limits shall be set for each stage of the process, for example, a maximum time between a grievance being raised and the setting up of a meeting to investigate it.

*Right of appeal.* A worker has the right to appeal to the World Bank Grievance Redress Service or national courts if he or she is not happy with the initial finding/response.

*Right to be accompanied.* In any meetings or hearings, the worker shall have the right to be accompanied by a colleague, friend or union representative.

*Keeping records.* Written records shall be kept at all stages. The initial complaint shall be in writing, if possible, along with the response, notes of any meetings and the findings and the reasons for the findings. Any records on SEA shall be registered separately and under the strictest confidentiality.

*Relationship with collective agreements.* Grievance procedures shall be consistent with any collective agreements.

*Relationship with regulation.* Grievance processes shall be compliant with the national employment code.

The Grievance Mechanism (GM) for workers shall be distinct from the Project level Grievance Mechanism for affected individuals and communities that is detailed in the Project Stakeholder Engagement Plan (SEP). They will not preclude the right of workers to access other judicial or administrative remedies that might be available under South Sudan law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements. Rather, their purpose will be to mediate and seek appropriate solutions to labour related grievances, without escalating to higher stages.

#### **a) GM for direct and contracted workers**

The MoT/MRB/PIUs will ensure that a grievance mechanism is provided for all direct and contracted workers to raise workplace concerns. MoT/MRB/PIUs will ensure that all such workers are informed of the grievance mechanism at the time of recruitment, and that the grievance mechanism is easily accessible to all Project workers. MoT/MRB/PIUs shall establish a GM for their respective direct workers that will be supervised by their respective GM focal points as outline in the Project Stakeholder Engagement Plan.

As indicated in the ESHS requirements for contractors, MoT/MRB/PIUs will require that each contractor put in place a Grievance Mechanism (GM) to raise workplace related concerns for its contracted workers and the workers of its subcontractors, as part of their Contractor Environmental and Social Management Plan (C-ESMP).

MoT/MRB/PIUs will ensure that all workers are informed of the grievance mechanism at the time of recruitment, the measures put in place to protect them against any reprisal for its use, processes in place to ensure a safe working environment, and how to report if they feel unsafe.

Each employer in the project context, will designate a Grievance Focal Point (GFP). This person will receive the complaints, and coordinate with relevant departments/organization and persons to address the complaint. The employers will be required to identify communication channels (e.g. WhatsApp, SMS and email) within the company to address workers' concerns on an ongoing basis. The employers shall ensure that such channels are adequately resourced and accessible at all times (e.g., 24-hour hot line). Contractors must escalate the unresolved grievance to MoT/MRB/PIUs within 7 days. If the Contractor does not respond to the complaint, or if the contractor's response is not satisfactory, the complainants or its representative can directly contact the GM Focal Point within MoT/MRB/PIUs or the Third Party directly to follow up on the issue.

#### **b) Grievances relating to GBV, particularly SEA/SH**

To mitigate the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the grievance mechanism shall have a separate and sensitive approach to GBV related cases and shall be dealt with according to the survivor's informed consent. Sexual abuse, exploitation and harassment complaints might either be addressed through the GMs for workers, or through the Project GM, as described in the Project GBV/SEA/SH Prevention and Response Action Plan.

Where such a case is reported, the complainant, shall be provided with information about and assistance to access if requested: confidential appropriate medical and psychological support, emergency accommodation, and any other necessary services as appropriate including legal assistance.

All workers and GM focal points shall be informed that if a GBV case is reported to them, the only information they shall establish is if the incident involves a project worker, the nature of the incident, the age and gender of the survivor and if the survivor has been referred for aftercare services. If a worker in the project is involved in the incident, this shall be immediately reported to the Project Coordinator who will provide further guidance after consulting with the World Bank.

## 10. CONTRACTOR MANAGEMENT

Each Contractor engaged by the Project to execute the project works in the rehabilitation and construction of Juba and Bor ports, their access roads or to undertake river clearance (dredging works) will be expected to adopt the labour risk management measures outlined in this LMP. The works contracts drawn by the MoT/MRB/PIUs will include provisions, measures and procedures to be put in place by the Contractors to manage and monitor the relevant OHS risks, labour influx risks, child labour risks, forced labour risks, GBV/SEASH risks and other employment terms and conditions relating to labour.

The measures required to efficiently manage Contractors will, among others, include the following:

- i) As part of the bidding/tendering process, specific requirements for specific standards of contractors, and selection criteria (e.g. technical suitability, certifications, previous experience, environmental and social risk management performance, etc.).
- ii) Provision of medical insurance covering treatment for workers, who fall ill on duty or off-duty.
- iii) The MoT/MRB/PIUs will incorporate environmental and social compliance requirements drawn from ESS2, ESS4 and other relevant sections of the World Bank Environmental and Social Framework and supporting documentation in the tender and contract documents to ensure potential bidders are aware of the environmental and social requirements to be met under the project.
- iv) Tender documentation shall note that the contractor/subcontractor shall actively collaborate and consult with project workers in promoting understanding, and methods for, implementation of labour and OHS requirements, as well as providing information and training on occupational health and safety (OHS), and provision of personal protective equipment without expense to project workers.
- v) The MoT/MRB/PIUs will state in the tender documentation that adherence to national legislation regarding labour and employment relations and OHS is a prerequisite for participation in the project.
- vi) The MoT/MRB/PIUs will include in the tender documents provisions that forced labour, any type of child labour of children/youth below 18 years, discrimination in hiring characteristics unrelated to work requirements, sexual harassment in

the workplace, and sexual exploitation and abuse are prohibited and may be grounds for dismissal of the contractor from the Project.

- vii) The MoT/MRB/PIUs will require bidders to consent to implement a workplace Code of Conduct (CoC) that includes provisions prohibiting any form of sexual exploitation and abuse, assault or harassment of Project workers, as well as sexual exploitation or sexual assault of local community members. The CoC will apply to all persons employed or engaged, including persons employed or engaged through contractors and subcontractors, in relation to the project. A sample CoC is presented in Annex 2.
- viii) The MoT/MRB/PIUs will require bidders to submit a statement confirming their firm's commitment to comply with labour laws and OHS laws, and labour management procedures consistent with ESS2 and the LMP for the project.
- ix) The MoT/MRB/PIUs will make reasonable efforts as part of their due diligence, to ensure that Contractors are reliable law-abiding entities that do not have a history of problems relating to disrespect for national labour laws, SEA/SH, unresolved labour disputes, or frequent work-related accidents.
- x) The MoT/MRB/PIUs shall allocate resources and procedures for managing and monitoring the performance of the contractor in relation to the LMP.

Furthermore, as part of the selection process for contractors, the MoT/MRB/PIUs will request from prospective Contractors and review the following information:

- Corporate registers and public documents relating to violations of applicable labour law, including reports from labour inspectorates and other enforcement bodies on OHS, child labour, forced labour, worker right of association, or other labour issues;
- Business licenses, registrations, permits, and approvals;
- Documents relating to a labour management system, including OHS records, for example, labour management procedures;
- Identification of labour management, safety, and health personnel, their qualifications, and certifications;
- Workers' certifications/permits/training to perform required work;
- Records of safety and health violations, and responses;
- Accident and fatality records and notifications to authorities;
- Records of legally required worker benefits and proof of workers' enrolment in the related programs;
- Worker payroll records, including hours worked and pay received; and
- Identification of safety committee members and records of meetings.

During the implementation of the contract, the MoT/MRB/PIUs will require that contractors submit quarterly reports on compliance with the LMP. The report shall include: the number and status of project workers, the number of hired and terminated employees in the given period, the number of hours worked, overtime, regularity of payment, OHS issues (injuries and fatalities, if any), safety measures, grievances

raised and resolved, training provided/attended, incidents of non-compliance with national law or the LMP.

## 11. PRIMARY SUPPLY WORKERS

Primary suppliers to the project include companies that supply construction materials, machines and equipment required for operation of ports, vessels and vessel equipment, warehouse and logistic facility equipment, etc. Some of these primary suppliers may involve significant risks on occupational health and safety, child labor, forced labor, and SEA/SH. The MoT/MRB/PIUs and contractors are expected to conduct due diligence to identify such risks from the primary suppliers' undertakings. The contractors shall prepare, transmit, and monitor procedures to address the identified risks. It is also required to inquire during the procurement process whether the primary suppliers are accused or sanctioned for any of these risks, particularly if the suppliers are foreign based. The PIUs will also be responsible to monitor the compliance of primary suppliers. If a significant risk of child labor, forced labor, or serious safety issues in relation to primary supply workers has been identified, a monitoring and reporting system must be in place to manage these risks.

## ANNEXES

### Annex 1: General Guideline for OHS Plan

This general guideline for Occupational Health and Safety (OHS) Plan is to be used to identify, manage, monitor, and report OHS risks in a work area. The outline for the guideline can include, but not be limited to:

- *Objective and Scope:* The objective/goal and scope of the OHS procedures shall be indicated clearly at the start of the plan.
- *Legal Requirement:* The legal and institutional framework against which the project activity will be implemented and specific to occupational health and safety shall be defined. All regulatory requirements the project activity shall comply with shall be identified.
- *Identifying Project Activities:* The project activities shall be identified with level of details required including the activity/work type, materials to be used, equipment/machines/plants/vehicles required, and manpower to be involved.
- *Identifying Hazards:* All anticipated hazards of the project activity shall be identified. The hazards shall include physical, chemical, and biological hazards.
- *Identifying Workers to be Affected by the Hazards:* Specific workers to be affected by the identified hazards shall be listed.
- *Evaluating the Risks and Developing a Plan:* The risks of the identified hazards shall be evaluated considering their likelihood and consequences. A matrix approach can be used to classify the hazard risks. Based on the risks level, develop a plan to mitigate the risks. The measures to be recommended shall follow the mitigation hierarchy of elimination, substitution, engineering controls, administrative controls, and use of Personal Protective Equipment (PPE).
- *Roles and Responsibilities:* Implementation of the plan requires a clear assignment of roles and responsibilities of various parties involved during project implementation and operations. It shall include the roles and responsibilities of senior management, supervisors, workers, OHS officers, first-aiders, emergency contacts, etc.
- *Training and Awareness Creation:* Training and awareness creation plan shall be developed. The training plan for workers shall include general health and safety management and specific measures/procedures for specialized work activities. Further, training on the OHS plan and procedures shall be considered. The training plan shall include:
  - i) Site inductions to be provided for workers at the time of on-boarding and to all site visitors.
  - ii) Training on OHS risks assessments.
  - iii) General training on occupational health and safety which covers common work activities, OHS risks, and associated control measures in workstations.
  - iv) Specific training on identified project OHS risks.



- v) Specific training on identified project SEA/SH risks and the relevant prevention measures.
  - vi) Training on safe operation of equipment and machines.
  - vii) Toolbox talks shall be conducted before commencement of daily activities.
  - viii) Training on emergency prevention and response.
  - ix) Training on first aid administration.
  - x) Training on fire safety and emergency procedures.
  - xi) Training on ergonomics and manual handling.
  - xii) Training on use of PPE.
- *Reporting and Documentations:* Reporting procedures shall be developed. It shall indicate the responsibility for routine and periodic reporting and timing. Also, the reporting standard shall be defined.
  - *Performance Monitoring:* Key performance indicators shall be identified and monitored during implementation of the OHS measures. The indicators can be (but not limited to) work permits prepared and approved, inductions conducted, toolbox talks conducted, trainings given, site supervisions made, PPE provided, accidents and incidents, lost-time accidents/injuries, and non-conformance and non-compliance cases. The responsibility of monitoring shall be clearly defined.
  - *Accidents and Incidents:* All accidents and incidents (including near misses) shall be recorded, and responses and remedial measures provided. Accidents and incidents record and response procedures shall be developed.
  - *Non-conformance and Non-compliance:* A procedure for recording and implementing remedial measures for non-conformance/compliance cases shall be developed.
  - *Emergency Preparedness and Response:* An emergency preparedness and response plan shall be developed in case of accidents and incidents including line of communication, emergency equipment and facilities, nearby health facilities, and remedial measures.
  - *Audit, Review, and Update:* The OHS plan shall define the scope, timing, and responsibility of audits. The results of the audits shall be reviewed by the concerned parties and where necessary the OHS plan shall be updated to cater for the audit findings and recommendations.

## Annex 2: Code of Conduct Template

The Contractor [*enter name of Contractor*] for the (insert the project name), has 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*]. The works contract requires the implementation of measures to address environmental and social risks and impacts related to the project works, including the risks of sexual exploitation, sexual abuse and sexual harassment. This Code of Conduct is part of our measures to mitigate with environmental and social risks related to the Works.

The Code of Conduct applies to all our staff, laborers, sub-contractors and suppliers providing any goods or services to support the execution of the Works. This Code of Conduct identifies the behavior that we require from all the aforementioned personnel and will be subject to this Code of Conduct. Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons shall feel comfortable raising issues or concerns without fear of retaliation.

### Required Conduct

1. Contractor's Personnel shall:
2. Carry out his/her duties competently and diligently;
3. 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;
4. Maintain a safe working environment including by:
  - a) Ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
  - b) Using appropriate measures relating to chemical, physical and biological substances and agents;
  - c) Wearing required personal protective equipment; and
  - d) Following applicable emergency operating procedures.
  - e) Report works 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;
  - f) Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
  - g) 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;
  - h) 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;

- i) 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;
- 5. Not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
- 6. 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 and Abuse (SEA), and Sexual Harassment (SH);
- 7. Report violations of this Code of Conduct to the management; and
- 8. 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.

### **Reporting Violations**

If any person observes behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she shall raise the issue promptly with the Contractor's management. This can be done in either of the following ways:

- 1. Contact [*enter the name of the Contractor's designated personnel for receiving and handle grievances*] in writing at this address [*provide postal or email address*] or by telephone at [*provide number*] or in person at [*provide physical location*]; or
- 2. Call [*provide phone number*] 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 we are committed to investigations and taking appropriate action. We will provide 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 report violations of the CoC in good faith about any behavior prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

### **Repercussions for 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 warning issuance, suspension from duty 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 understand. By accepting the contract, I hereby commit to comply with each requirement listed in the present Code of Conduct. It is clear to me that if I have any questions about this Code of Conduct, I can contact [*enter name of Contractor's HR or 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): \_\_\_\_\_

### Annex 3: Behaviours constituting Sexual Exploitation and Abuse (SEA) and behaviours constituting Sexual Harassment (SH)

Sexual exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation and abuse also include sexual relations with a child, in any context, defined as: Child - a “person below the age of eighteen years”.

Examples of acts of sexual exploitation and abuse

- Sexual assault (defined as “any unwanted or forced sexual act committed without consent”) or threat thereof. Sexual assault can occur either against a person’s will, by force or coercion, or when a person is incapable of giving consent, such as when they are under duress, under the influence of drugs or alcohol.

Sexual Harassment - Unwelcome sexual advances, requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature. In the context of civil works projects, sexual harassment (SH) can be differentiated from SEA in that SH occurs between personnel/staff working on the project, and not between project workers and beneficiaries or host communities. The differentiation between SEA and SH is important so that there can be specific instructions on the procedures to report each. Both women and men can experience SH.

Force includes:

- actual physical aggression, including but not limited to: rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing);
- threats of physical aggression;
- emotional coercion; and/or
- Psychological blackmailing.
- Unwanted touching of a sexual nature
- Demanding sex in any context
- Making sex a condition for assistance
- Forceful sex, forcing someone to have sex with anyone
- Forcing a person to engage in prostitution or pornography
- Refusing to use safe sex practices
- Videotaping or photographing sexual acts and posting it without permission

- Alleging or threatening to allege that anyone already has a history of prostitution on legal papers
- Name-calling with sexual epithets
- Insisting on anything sexual, including jokes that may be uncomfortable, frightening or hurtful, and
- Telling someone that they or anyone else are obliged to have sex as a condition for anything.