

LABOR MANAGEMENT PROCEDURE

**Gujarat Resilient Cities Partnership:
Ahmedabad City Resilience Project**

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Prepared by

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Table of Contents

LABOR MANAGEMENT PROCEDURE.....	4
01. Overview of labor use in the project	4
02. Assessment of key potential labor risks.....	5
03. Brief overview of labor legislation: terms and conditions	6
04. Brief overview of labor legislation: Occupational health and safety	6
05. Responsible staff.....	6
06. Policies and procedures	6
07. Age of employment.....	9
08. Terms and conditions	9
09. Grievance mechanism	9
010. Contractor management	10
011. Community workers.....	11
012. Primary supply workers	11

List of Tables

Table 1: Labor Requirement under G-ACRP	4
Table 2: Responsibilities for key activities	6
Table 3: Actions to Mitigate Risks related to on-site safety and GBV	7

Note:

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List of Abbreviations

<i>Abbreviation</i>	<i>Expansion</i>
AMC	Ahmedabad Municipal Corporation
CoC	Code of Conduct
DPR	Detailed Project Report
E&S	Environmental and Social
ESF	Environmental and Social Framework
ESMF	Environmental Social Management Framework
GBV	Gender Based Violence
G-ACRP	Gujarat Resilient Cities Partnership: Ahmedabad City Resilience Project
GRM/GM	Grievance (Redressal) Mechanism
GUDM	Gujarat Urban Development Mission
IA	Implementing Agency
ILO	International Labor Organization
OHS	Occupational Health and Safety
OHSR	Overhead Storage Reservoir
PIU	Project Implementation Agency
PPE	Personal Protective Equipment
SEASH	Sexual Exploitation and Abuse Sexual Harassment
STP	Sewage Treatment Plant
WB	The World Bank

GUJARAT RESILIENT CITIES PARTNERSHIP: AHMEDABAD CITY RESILIENCE PROJECT (G-ACRP)

LABOR MANAGEMENT PROCEDURE

01. Overview of labor use in the project

Number of Project Workers: About 200 workers (Direct workers, Contracted workers) shall be engaged for the proposed project. Engagement of Community workers is not envisaged in the Project.

Characteristics of Project Workers: As per the proposed execution strategies the following categories of project workers are identified:

- i) Direct workers – IA employees transferred to the PIU, professional specialists engaged from the market
- ii) Contracted workers - engaged in construction work and consultancy services (e.g. for preparation of E&S, technical specifications documents, DPRs); These contractors shall bring skilled Migrant workers for some of more specialized tasks; and
- iii) Primary supply workers: The engagement of primary supply workers will only be known when the implementation of the project starts, and supply chains are established (eg. for materials such as sand and aggregate).

In addition to project workers, several IA employees will also work (full-time or part-time) with the project without being formally transferred to the project. ESS2 will not apply to such workers and they will remain subject to the terms and conditions of their employment with IA. However, the provisions of ESS2 related to protection in the work force (i.e. regarding child labor, minimum age and forced labor) and OHS will apply to such IA employees.

Timing of Labor requirements: See *Table 1* below:

Table 1: Labor Requirement under G-ACRP

Sl.No.	Type	No:	Locations	Duration	Skills required
1	Direct Workers (Project officials)	5	AMC	Throughout the project period	Executive and Supervisory
2	Contracted Workers	200	At STPs, pumping stations, along Trunk line	18 months and may extend till the completion of project	Varied (skilled, semi-skilled)
3	Primary Supply Workers (to be confirmed)	10-15	Villages/ areas in the vicinity of Ahmedabad from where the primary supplies are sourced (sand/ Aggregate etc)	During project period	Unskilled

COVID considerations:

Location of the project in terms of Green Zone, Orange Zone or Red Zone:

Influx of Migrant Labor is likely as there will be a need to perform skilled/ semi-skilled jobs which may not be available locally or even within the state. They are likely to come from other states or adjoining states or districts. Possibly 20-30 persons such workers will be required for highly skilled jobs. The remaining - Semi-skilled and unskilled labor will be sourced from within the district. Hence as per WB's guidance note¹, for such workers, Contractor will need to **prepare detailed profile of Workforce as per format below:**

Key work activities	Schedule for such activities	Duration of contract	Rotation	Place of residence		
				workers from community	Within local community	On site

Where possible, it should also identify workers that may be more at risk from COVID-19, those with underlying health issues or who may be otherwise at risk.

- **Minimize movement in and out of site** (consider extending term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas)
- **Minimize contact with people near the site** (including in certain cases prohibited from leaving the site for the duration of their contract, so that contact with local communities is avoided. Move workers to site accommodation (subject to availability) where they would be subject to the same restrictions.

02. Assessment of key potential labor risks

Labor related risks would include:

- Safety issues while at work like injuries/ accidents/ fatalities while at work; Occupational health and safety risks due to exposure of workers to unsafe conditions while working at heights, working using lifts, handling of equipment and machinery, exposure to air and noise pollution etc. These risks will be addressed through OHS guidelines of World Bank, ILO, regulations of State and Central Governments
- Short term effects due to exposure to dust and noise levels, while at work
- Inadequate accommodation facilities for labor, including inadequate sanitation and health facilities
- Discrimination in Employment (e.g. abrupt termination of the employment, working conditions, wages or benefits etc.)
- Sexual harassment at work
- Absence or inadequate or inaccessible emergency response system for rescue of labor/ workforce in situations of natural calamities.
- Health risks of labor relating to HIV/ AIDS and other sexually transmitted diseases
- Non-payment of wages
- Unclear terms and conditions of employment
- Discrimination and denial of equal opportunity in hiring and promotions/ incentives/ training opportunities
- Denial for workers' rights to form worker's organizations, etc.

¹ESF/SAFEGUARDS Interim Note: COVID-19 consideration in constructions/civil works projects

- Absence of a grievance mechanism for labor to seek redressal of their grievances/ issues

03. Brief overview of labor legislation: terms and conditions

Refer to this ESMF, Chapter 3

04. Brief overview of labor legislation: Occupational health and safety

Refer to this ESMF, Chapter 3.

Also refer to the [links](#) below²:

05. Responsible staff

See **Table 2** below for a list of key activities with responsibilities:

Table 2: Responsibilities for key activities

Sl.No.	Activity	Responsibility
1	Engagement and management of Contractors	AMC/ GUDM
2	Engagement and management of Sub-Contractors	Contractor
3	Occupational Health and Safety (OHS)	E&S Specialists, PIU, AMC
4	Training of Workers	E&S Specialist, PIU, AMC
5	Addressing worker grievances	Contractor (with oversight by PIU)

06. Policies and procedures

These are categorized and presented as -i) Incidents and Accident related; ii) Occupational Health and Safety related; iii) GBV/ SEAH related and iv) COVID 19 considerations.

- Incidents and Accident Notifications:** The contractor will promptly notify the PIU within 24 hours of any incident or accident related to or having an impact on the Project which has, or is likely to have, a significant adverse effect on the environment, tangible cultural heritage, the affected communities, the public or workers. They will provide sufficient detail regarding the incident or accident, indicating immediate measures taken to address it, and including information provided by any contractor and supervising entity. Further, the PIU will appraise this to AMC and WB.
- GBV and SEA/SH related:** More than 95% of the contract labor is expected to be men, and women's participation as contract labor or community labor is going to be very low. Contractors will need to maintain harmonious relations with local communities by ensuring laborers/ workers adhere to Code of conduct (CoC). The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior. The CoC will include

²i) [ILO Occupational Safety and Health Convention, 1981 \(No. 155\)](#); ii) [ILO Occupational Health Services Convention, 1985 \(No. 161\)](#); iii) [ILO Safety and Health in Construction Convention, 1988 \(No. 167\)](#); iv) [WHO International Health Regulations, 2005](#); v) [WHO Emergency Response Framework, 2017](#); and vi) [EU OSH Framework Directive \(Directive 89/391\)](#)

sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation, and sexual harassment (e.g., termination). The CoC will be written in plain language and signed by each worker to indicate that they have:

- received a copy of the CoC as part of their contract.
- had the CoC explained to them as part of induction process.
- acknowledged that adherence to this CoC is a mandatory condition of employment.
- understood that violations of the CoC can result in serious consequences, up to and including dismissal, or referral to legal authorities.

To mitigate potential risks related to on-site safety and GBV, the Contractor/ Main contractor will undertake actions as given in **Table 3** below:

Table 3: Actions to Mitigate Risks related to on-site safety and GBV

Sl.No.	Action	Timelines
1	Separate, safe, and easily accessible facilities for women and men in the place of work and the labor camps. (e.g. toilets should be in separate areas, well-lit)	Throughout construction period
2	Display signs that the project site is an area where SEA/ SH is prohibited.	Throughout construction period
3	Ensure Codes of Conduct are clearly understood and signed by those with a physical presence at the project site;	Upon joining
4	Train project staff on the behavior obligations under the CoCs and Disseminate CoCs (including visual illustrations) and discuss with employees and local communities.	Periodic; every six months

iii) Occupational Health and Safety

AMC/ GUDM is committed to:

- Complying with legislation and other applicable requirements which relate to the occupational health and safety hazards.
- Enabling active participation in OH&S risks elimination through promotion of appropriate skills, knowledge, and attitudes towards hazards.
- Continually improving the OH&S management system and performance.
- Communicating this policy statement to all persons working under the control of AMC with emphasis on individual OH&S responsibilities.
- Availing this policy statement to all interested parties

To avoid work related accidents and injuries, the contractor will:

- Provide occupational health and safety training to all employees involved in works.
- Provide protective masks, helmet, overall and safety shoes, and safety goggles, as appropriate.
- Provide workers in high noise areas with earplugs or earmuffs.
- Ensure availability of first aid box.
- Provide employees with access to toilets and potable drinking water.
- Provide safety and occupational safety measures to workers with Personal Protection Equipment to prevent accidents

- Properly dispose of solid waste at designated permitted sites/ landfill allocated by the local authorities; and attach the receipt of waste from the relevant landfill authority (AMC)
- Carry out all procedures to prevent leakage of generator oil into the site.
- Identify potential hazards;
- In collaboration with AMC, investigate the cause of accidents at the workplace;
- Inspect the workplace including, with a view to ascertaining the safety and health of employees, provided that AMC is informed about the purpose of the inspection;
- Make recommendations to the Contractor in respect of safety and health matters affecting workers

Further to enforcing the compliance of environmental management, contractors will be responsible and liable for safety of site equipment, labors and daily workers attending to the construction site and safety of citizens for each work site, as mandatory measures.

iv) COVID 19 Considerations: Actions by PIU

A. Request details in writing from the main Contractor of the measures being taken to address the risks (*construction contract should include health and safety requirements; the measures may be presented as a contingency plan and reflected in revisions to the project's health and safety manual- see relevant links below³*). This should include SOPs that cover the following aspects

- i. Conducting pre-employment health checks
- ii. controlling entry and exit from site/ workplace
- iii. General hygiene
- iv. Cleaning and waste disposal
- v. Adjusting work practices
- vi. reviewing accommodation arrangements, to see if they are adequate and designed to reduce contact with the community
- vii. reviewing contract durations, to reduce the frequency of workers entering/ exiting the site
- viii. rearranging work tasks or reducing numbers on the worksite to allow social/ physical distancing, or rotating workers through a 24-hour schedule
- ix. providing appropriate forms of personal protective equipment (PPE)
- x. putting in place alternatives to direct contact, like tele-medicine appointments and live stream of instructions.
- xi. measures in respect of Instances of spread of virus
- xii. training and communication with workers
- xiii. communication and contact with community

B. Request the Contractor to convene regular meetings with the project health and safety specialists and medical staff (and where appropriate the local health authorities), and to take their advice in designing and implementing the agreed measures.

C. Identify a senior person as a focal point to deal with COVID-19 issues e.g. work supervisor or a health and safety specialist

³For workplace-related advice, consult [WHO guidance getting your workplace ready for COVID-19](#); and for guidance on water, sanitation and health care waste relevant to viruses, including COVID-19, consult [WHO interim guidance](#)

- D. **Request for coordination arrangements**, particularly at site where there are a number of contractors and therefore (in effect) different work forces (*PIU could request the main contractor to put in place a protocol for regular meetings of the different contractors*)
- E. **Check with Contractors** on whether the workers are informed/ encouraged to use the existing project grievance mechanism to report concerns relating to COVID-19

07. Age of employment

The minimum age of employment for this project shall be 18 years and to ensure compliance, all employees will be required to produce Aadhar Cards as proof of their identity and age which is the national identification document required for employment. If any contractor employs a person under the age of 18 years, that contractor's will not only be terminated by AMC but also be reported to the authorities.

08. Terms and conditions

Terms and conditions for three types of workers are presented below:

- i. The Direct Workers (Government officials, AMC/ GUDM officials) are governed by their employment agreements with the Urban Development and Urban Housing Government of Gujarat as well as the LMP (except the civil servants who are not transferred to the project)
- ii. Contractors will also be required to comply with the most current Regulation of Wages for the Building and Construction Industry which is issued by the Government and reviewed on a regular basis. The Minimum Wage Act specifies the minimum wages, hours of work, overtime pay, leave entitlements, travelling and Subsistence Allowances and the issue of protective clothing. Before a contractor is awarded with the work, s/he is required to certify in writing that the wages, hour and conditions of work or persons to be employed by him/her on the contract are not less favorable than those contained in the most current wages regulation issued by the Labor Commissioner. Where a contractor fails to comply with this requirement, the contract with the contractor may be withdrawn as an approved contractor upon recommendations of the Labor Commissioner.

In ensuring full compliance with the law in this regard, contractors will be required to furnish with copies of the labor license and/ or copies of contract of all its workforce. As a monitoring mechanism, a contractor shall not be entitled to any payment unless he has confirmed that all employment conditions of the contract are being complied with. AMC/ GUDM would intervene if the contractor defaults in the payment of wages due to any of its employees.

Community Workers are not envisaged in this project.

09. Grievance mechanism

The Grievance Mechanism for Workers will be organized as follows.

- i. **Direct Workers (Project Officials):** The Project Director, AMC/ GUDM, will be responsible for providing guidance and advice on all worker related grievances and their redressal, in line with the state and national legislation and the LMP.

- ii. **Contracted Workers:** While the Contractor will have his own GRM, AMC will have oversight and the overall responsibility for ensuring the establishment and implementing the GRM for project workers. In this regard, the Project Director will be responsible to ensure that the Contractor has established and operationalized the contracted workers' grievance redress mechanism. The contractor will be supported in this by Environment and Social Specialist(s) of PIU. S/he will also be responsible for tracking and resolving workers grievances. S/he shall maintain records where grievances and complaints, including minutes of discussions, recommendations and resolutions made, will be recorded.

COVID 19 considerations: In COVID 19 context, the nature of complaints may be particularly time-sensitive and sensitive in terms of confidentiality. Hence, Contractor should consider streamlined procedures to address specific worker grievances, which would allow workers to quickly report labor issues, such as a lack of PPE, lack of proper procedures or unreasonable overtime, and allow the project to respond and take necessary action.

The Social Expert in PIU will provide overall implementation and capacity building support on resolving all workers grievances and will support the Project Director in this regard. S/he will also include workers grievance status in the progress report. Grievances will continue to be received through established communication channels. Workers will also be able to submit their grievances through the district Labor Department, whose contacts will be shared with all the contractors and worksites.

010. Contractor management

PIU AMC will ensure that contractors monitor, keep records and report on terms and conditions related to labor management. The contractor must provide workers with evidence of all payments made, including social security benefits, pension contributions or other entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time or temporarily, as per the terms of contract. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to AMC and the World Bank:

Labor conditions: records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements.

Safety: recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth).

Workers: number of workers, indication of origin (local and migrant), gender, age with evidence that no child labor is involved, and skill level (unskilled, skilled, supervisory, professional, management).

Training/ induction: dates, number of trainees, and topics.

Details of any security risks: details of risks the contractor may be exposed to while performing its work; the threats may come from third parties external to the project. **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken; grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

The following procedures are to be adhered for contractor management, but have been adjusted to adhere to LMP provisions:

- Ensure that Contractors have valid contracts with clearly defined service level agreement in accordance with all environmental and social clauses, as applicable
- Contractor induction to AMC standards and LMP
- Quarterly submission of records: Contractor submission to AMC - including, managing incidents and accidents and Contractor employees recorded
- Monthly site visits (at a minimum) and quarterly reports
- Concerns or issues tracking using monitoring register
- Evaluation of contractor requirements. This includes training, OH&S files, certifications and other.
- Training needs identification recorded in Contractor Training Schedule
- Annual Contractor Management Plans

COVID 19 Considerations: Additionally, as part of Contractor management, the contract provision might need to include:

- Provision of medical insurance covering treatment for COVID-19, sick pay for workers who either contract the virus or are required to self-isolate due to close contact with infected workers and payment in the event of death
- Appointing a COVID-19 focal point with responsibility for monitoring and reporting on COVID-19 issues, and liaising with other relevant parties

011. Community workers

Not envisaged in the project.

012. Primary supply workers

The requirement of Primary supply workers will be ascertained once the project execution is being planned/ initiated. These are mainly workers involved in supplying sand/ aggregate etc on an ongoing basis to the works of AMC/ Urban Development and Urban Housing Department, Govt of Gujarat, from the nearby villages/ areas. If in due course, significant risk of child or forced labor or serious safety issues in relation to primary suppliers is identified, applicable procedures for monitoring and reporting on primary supply workers will be developed.